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ABSTRACT

The Oregon Annual Program Plan for fiscal year 1979 sets forth the state's policies to provide all handicapped childre (6-20 years old) with a free appropriate public education, as mandated by P.L. 94-142, the Education for All Handicapped Children Act. Addressed are the following topics: right to education, full educational opportunity timetable, priority policies, child identification, individualized education programs, procedural safeguards, least restrictive environment, protection in evaluation procedures, comprehensive system of personnel development, participation of private school children, placement in private schools, recovery of funds for misclassifed children, hearings on Local Education Agency applications, annual evaluations, and additional requirements under the law (such as monitoring and complaint procedures and nondiscrimination and employment of handicapped individuals). (CL)

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ED177787

FISCAL YEAR 1979
ANNUAL PROGRAM PLAN AMENDMENT
FOR PART B OF THE EDUCATION
OF THE HANDICAPPED ACT
AS AMENDED
BY PUBLIC LAW 94-142

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Oregon Department of Education
Salem, Oregon 97310

Verne A. Duncan
State Superintendent of
Public Instruction

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STATEMENT OF ASSURANCE

Oregon Department of Education

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SUBMISSION STATEMENT

(FY 1979 ANNUAL PROGRAM PLAN UNDER PART B)

I, the undersigned authorized official of the Oregon State Department of Education, hereby submit the following Annual Program Plan for Fiscal Year 1979 under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142:

A. FY 1978 Annual Program Plan Components. The following items from Oregon's FY 1978 Annual Program Plan under Part B are hereby incorporated by reference:

	(ITEM)	(Page No(s) in FY 1978 Plan)
	Submission Statement	1
II.	Right to Education Policy Statement	5-7
III.	Full Educational Opportunities Goal and Timelines:	
	(A) Goal Statement	7-8
	(B) Timetable (Table #1)	9
	(C) State Personnel Summary Sheet	11-12
IV.	Policy on Priorities	13-15
V.	Child Identification	
	(A) Policies and Procedures	17-19
VI.	Individualized Education Program	20-21
VII.	Procedural Safeguards	22-24
VIII.	Least Restrictive Environment:	
	(A) Procedures	24-25
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XIV.	Hearing on LEA Application	41
XV.	Annual Evaluation	41-42

B. Additional Requirements for FY 1979. Attached herewith are the additional procedures and other information necessary to meet the annual program plan requirements by Oregon for FY 1979.

C. Certification. I certify (1) that this plan has been adopted by the State Department of Education and is the basis for the operation and administration of the activities to be carried out in Oregon under Part B, and (2) that Oregon will meet all of the applicable requirements of Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, and the regulations implementing the Act (45 CFR Part 121a).

October 24, 1978
DATE

Verne A. Duncan
Signature of Chief State School Officer or person authorized to submit this plan

Verne A. Duncan, State Superintendent of Public Instruction
Typed Name and Title

Date Received in Bureau

ROBERT W. STRAUB
GOVERNOR

OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310

October 18, 1978

Dale Skewis
Oregon Department of Education
Special Schools and Special
Education Division
942 Lancaster Drive N.E.
Salem, OR. 97310

Dear Mr. Skewis:

RE: Education of the
Handicapped
Annual Program Plan
PNRS 7809 6 270

Thank you for the opportunity to review your state plan.

This plan was circulated for review among the appropriate state and local agencies. No significant conflicts with state or local policies or programs were identified; however, Mid-Willamette Valley Council of Governments and Educational Coordinating Commission did submit the enclosed comments.

I am pleased to add my approval as required by OMB A-95, Part III.

Sincerely,

Governor

RWS:wb

Oregon

CERTIFICATION OF STATE ATTORNEY GENERAL
OR OTHER APPROPRIATE STATE LEGAL OFFICER
(121a.112(b))

I hereby certify that:

1. The STATE DEPARTMENT OF EDUCATION has authority under State law to submit this annual program plan under Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, and to administer or supervise the administration of the plan; and

2. All plan provisions are consistent with State law.

September 19, 1978
DATE

William T. Linklater
SIGNATURE

William T. Linklater
TYPED NAME AND TITLE OF STATE LEGAL OFFICER

I. PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

A. PRESUBMISSION

An opportunity for review and comment on the Oregon Annual Program Plan for fiscal year 1979 has been provided by public notice on September 1 and 2, 1978 in several newspapers around the state: The Oregonian, Oregon Journal, Eugene Register Guard, Salem Statesman, Capitol Journal, Medford Mail Tribune, The Bend Bulletin, and the Pendleton-East Oregonian (Appendix A).

Public hearings were also held on the plan at 3:00 and 7:00 p.m. September 11, 1978. Notice of these public hearings was included in the public notices above.

Further opportunity for review and comment was provided through the Oregon Project Notification and Review System, the State Clearinghouse and the Intergovernmental Relations Division. The State Clearinghouse routed the draft plan to the State Budget Division, Children's Services Division, Educational Coordinating Commission, and the Community Services, Welfare and Vocational Rehabilitation Divisions.

A summary of comments received by the Oregon Department of Education and a description of action taken as a result of these comments is presented in Appendix B.

B. POSTSUBMISSION

After the Annual Program Plan for Fiscal Year 1979 is approved by the United States Commissioner of Education, it will be made public by a general mailing to all local school districts, county education service districts, other state agencies, nonpublic agencies, libraries and educational organizations. A public notice will also be placed in The Oregonian and Oregon Journal to notify the public that the plan has been approved and that it is available from the Oregon Department of Education.

II. RIGHT TO EDUCATION POLICY STATEMENT

The policy statement in Oregon's FY 1978 Annual Program Plan Amendment for the right to a free appropriate public education is incorporated in this FY 1979 plan. That section of the FY 1978 plan detailing the policy is included here for reference. ORS 343.041 (see page 72) and Appendix C, from the FY 1978 Plan, are also included to show the legal source of the policy.

All handicapped children residing in the State of Oregon have a right to a free appropriate public education. This policy applies to all agencies that provide for the education of handicapped children and to all handicapped children defined in PL 94-142, regardless of the severity of the individual handicap.

The 1977 Oregon Legislature's passage of ORS 343.041 (page 72) assures that this policy applies to any state agency, or common or union high school district, or education service district.

The first priority for the education of handicapped children focuses on those handicapped children who are not receiving any education; the second priority looks to handicapped children (within each disability) with the most severe handicaps who are receiving some but not all of the needed special education and related services.

The timeline in Oregon for a free appropriate education for all handicapped children (6 through 20) is September 1, 1978. Oregon advocates the goal of providing a free appropriate education for all handicapped children, but present state law and practice do not apply to ages 3 through 5 and age 21 residents in local school districts except on a local school district option basis. It is the policy of the state under Oregon Revised Statutes, ORS 339.115 (Appendix C), that all persons between the ages of 6 and 21 have a right to a free appropriate education. This statute, by practice and according to an Attorney General Opinion, is interpreted to include 6 year old children but exclude 21 year olds.

Those Oregon Revised Statutes and Oregon Administrative Rules applicable to this policy and which provide the basis for the exception in Oregon to the age requirements of PL 94-142 as inconsistent with state law and practice can be found in Appendix C.

Within the age limits of required school attendance (see ORS 339.010), the Oregon Attorney General has provided an opinion regarding ORS 339.030 (4) which states in part: "The school district may itself provide 'home, hospital, institutional or other regularly scheduled and suitable instruction'; if it does not or cannot, it cannot escape the obligation imposed by ORS 339.030 (4), and must pay the tuition of the child in an institution which does provide such instruction if that is the only way such instruction can be provided for the child. There is no 'out' for the school district; it must meet its obligation to the child under the statute as amended."

Oregon law also provides that a school district board may provide kindergartens for a child in the year immediately prior to enrollment in the first grade. If a school district board makes such provision, then all eligible children resident in the district, including the handicapped, must be provided kindergarten in order for the school district to be in compliance with OAR 581-21-045 (Appendix C).

ORS 336.090 and ORS 336.095 (Appendix C) provide the legal base for district school boards to provide kindergartens at their option.

III. FULL EDUCATIONAL OPPORTUNITY GOAL AND TIMELINES

A. GOAL STATEMENT

The goal statement in Oregon's FY 1978 plan concerning full educational opportunities is incorporated in this FY 1979 plan and follows.

Oregon requires the provision of full educational opportunities for all handicapped children on the same basis as nonhandicapped children. The state has a goal of providing full educational opportunity to all handicapped children from birth through age twenty-one. The full-service goal timeline is September 1, 1978 for all handicapped children aged 6-20 inclusive, regardless of the severity of the handicapping condition. An explanation of state law and policy is provided under Section II, Right to Education Policy Statement.

The provision of full educational opportunity for all handicapped children above and below ages specified in Oregon Revised Statutes shall be on an optional basis for service providers. State statutes do not require a free, appropriate education for children below age six, unless the local school district provides kindergarten education for all children age five.

Oregon does not anticipate any major problem areas in meeting the full educational opportunity goal by 1978. Current statutes require free admission for all persons between the ages of 6 and 21 as well as special education for handicapped children. Further, the 1977 Oregon Legislative Assembly passed ORS 343.041, making the State Superintendent of Public Instruction responsible for the general supervision of all educational programs for handicapped children within the state; including all such programs administered by any state agency, or common or union high school, or education service district.

B. TIMETABLE

The timetable for the provision of full educational opportunities has not changed in Oregon since the FY 1978 plan was written. Table 1 (Detailed Timetable) from the FY 1978 plan is incorporated in this FY 1979 plan and presented on the following page.

C. STATE PERSONNEL SUMMARY SHEET

Table 2A (page 9) shows the actual number of personnel employed in Oregon to serve handicapped children during the 1977-78 school year.

Table 2C (page 10) shows the projected number of personnel needed to meet the full educational opportunities goal during the 1978-79 school year.

D. DATA REQUIREMENTS

Table 3 (page 11) shows the numbers of handicapped children in Oregon who were first and second priority handicapped children during the 1977-78 school year. The number of handicapped children who are having all of their educational needs met is also shown.

TABLE 1–DETAILED TIMETABLE

DATE	NAME OF STATE
September 1, 1977	Oregon

Show the percent (%) of the State's population of handicapped children expected to be receiving full educational opportunities in each school year. In the appropriate cells, estimate* the year you can expect all children to be provided full educational opportunities (full service).

HANDICAPPING CONDITIONS	A. AGES 3 THRU 5			D. AGES 6 THRU 17		C. AGES 10 THRU 20					D. AGES 0 THRU 2 (est.) The Year Full Services Are Expected To Be Reached, School Year Non-Categorial
	School Year 1977-78 (%)	School Year 1978-79 (%)	Estimate Year* of Full Service	School Year 1977-78 (%)	School Year 1978-79 (%)	School Year 1977-78 (%)	School Year 1978-79 (%)	School Year 1979-80 (%)	School Year 1980-81 (%)	Estimate Year* Of Full Service	
a. Mentally Retarded	76	80	1988	85	100	44	100	100	100	1978	1990
b. Hard of Hearing	61	65	1988	60	100	0	100	100	100	1978	
c. Deaf	90	90	1988	88	100	36	100	100	100	1978	
d. Speech Impaired	70	75	1988	73	100	47	100	100	100	1978	
e. Visually Handicapped	62	65	1988	63	100	24	100	100	100	1978	
f. Seriously Emotionally Disturbed	69	70	1988	75	100	26	100	100	100	1978	
g. Orthopedically Impaired	47	50	1988	42	100	49	100	100	100	1978	
h. Health Impaired	90	90	1988	83	100	91	100	100	100	1978	
i. Specific Learning Disability	90	90	1988	86	100	84	100	100	100	1978	

*If these requirements are inconsistent with your State law, or practice, estimate the year you expect to reach full services in these areas.

TABLE 2A

State Personnel Summary of Actual Number of Personnel Employed During the 1977-1978 School Year For Service to the 0-21 Age Handicapped Population

PERSONNEL	1. Teachers of Special Classes	2. Resource Room Teachers	3. Itinerant/ Consulting Teachers	4. Psychologist	5. School Social Workers	6. Occupational Therapists	7. Home-Hospital Teachers	8. Speech Pathologists	9. Audiologists	10. Teacher Aides	11. Vocational Education Teachers	12. Work-Study Coordinators	13. Physical Education Teachers	14. Recreation Therapists	15. Diagnostic Staff	16. Supervisors	17. Other Non-Instructional Staff	18. TOTAL
TOTAL (Sum of columns b-j) (a)	677	465	264	66	40	23	119	193	10	769	83	48	137	13	96	104	168	3275
Mentally Retarded (b)	266	114	10															
Hard of Hearing (c)	5	7	14															
Deaf (d)	3	1	10															
Speech Impaired (e)	72	9	70															
Visually Handicapped (f)	4		8															
Seriously Emotionally Disturbed (g)	87	21	33															
Orthopedically Impaired (h)	12		11															
Health Impaired (i)	3		8															
Specific Learning Disabilities (j)	225	313	100															

TABLE 2C

State Personnel Summary of Projected Number of Personnel Needed to Meet the Full Educational Opportunities Goal During the 1978-79 School Year for Services to the 0-21 Age Handicapped Population

PERSONNEL	1. Teachers of Special Classes	2. Resource Room Teachers	3. Itinerant/ Consulting Teachers	4. Psychologist	5. School Social Workers	6. Occupational Therapists	7. Home-Hospital Teachers	8. Speech Pathologists	9. Audiologists	10. Teacher Aides	11. Vocational Education Teachers	12. Work-Study Coordinators	13. Physical Education Teachers	14. Recreation Therapists	15. Diagnostic Staff	16. Supervisors	17. Other Non-Instructional Staff	18. TOTAL
TOTAL (Sum of columns b-j) (a)	668	550	348	96	64	24	125	267	24	790	112	51	151	30	131	124	231	3836
Mentally Retarded (b)	293	128	21															
Hard of Hearing (c)	7	7	22															
Deaf (d)	13	1	6															
Speech Impaired (e)	78	15	92															
Visually Handicapped (f)	12	2	11															
Seriously Emotionally Disturbed (g)	87	21	50															
Orthopedically Impaired (h)	12		17															
Health Impaired (i)	6		13															
Specific Learning Disabilities (j)	160	376	116															

TABLE 3–CHILDREN SERVED AND SERVICE NEEDS IN PRIORITY AREAS

STATE: Oregon

DATE: July 1, 1978

1977-1978

Handicapping Conditions	Receiving an Education Which Meets All Educational Needs* (1)			1st Priority Not Receiving an Education (2)			2nd Priority, Severely Handicapped Being Educated, But Requiring Additional Special Education and Related Services** (3)		
	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21
Mentally Retarded	622	6049	305	49	34	37	29	23	66
Hard of Hearing	15	990	5	14	4	2	7	10	1
Deaf	29	382	8		2		1	1	2
Speech Impaired	656	11542	65	164	10	6	124	70	2
Visually Handicapped	27	386	4	4	9	2	5	6	6
Seriously Emotionally Disturbed	36	2042	11	24	55	19	6	37	31
Orthopedically Impaired	29	586	13	19	11	17	23	8	15
Health Impaired	14	648	39	55	71	24	11	23	50
Specific Learning Disabilities	332	15929	192	27	198	37	24	152	22
TOTAL	1760	38554	642	356	394	144	230	330	195

*(1)–Include only handicapped children who are having all of their educational needs met.

**(3)–Include those handicapped children who are not having all of their educational needs met.

IV. POLICY ON PRIORITIES

A. Oregon's policy on priorities has not changed since the FY 1978 plan: Oregon's first priority is to serve handicapped children ages 6 to 21 who are not receiving an education. A second priority concerns severely handicapped children within each disability, who are receiving some but not all of their special education and related service needs.

B. PROGRAM, SERVICES AND ACTIVITIES

1st Priority, 1977-78

During 1977-78 local school district identified, located and evaluated 164 first priority children who were not receiving an education. These children were provided individual education programs to meet their individual special needs. School districts employed special teachers, provided teacher aide assistance, purchased supplies, and provided inservice training for teachers. Resource rooms and special classes were developed as well as special service within the regular classroom. Each 1st priority child was placed in a special education program that was considered least restrictive for that child's special need.

Estimated funds for programs to serve 1st priority children in 1977-78 were:

LOCAL	STATE	FEDERAL	TOTAL
$322,260	$166,616	$49,200	$538,076

2nd Priority, 1977-78

During 1977-78 local school districts provided additional services to 9,143 handicapped children who had been receiving special education and related services, but who were not having all of their educational needs met. Many LEAs used PL 94-142 funds during this first year of implementation of the new federal law to identify, locate and evaluate all children suspected of having handicapping conditions. Diagnostic centers and services were established for assessing handicapping conditions and needs, management systems for awareness, referral, evaluation, developing IEPs, and placement were initiated.

Additional teachers and aides were employed to provide instruction, itinerant, resource room and learning center services, special classes, individual and small groups instruction, tutorial services and assistance for regular class teachers. Inservice training for all personnel involved in the education of the handicapped was provided. Other services included occupational and physical therapy, psychiatric support, and materials and methods for teachers.

Estimated funds for programs to serve 2nd priority children in 1977-78 were:

LOCAL	STATE	FEDERAL	TOTAL
$17,965,995	$7,281,850	$2,281,850	$27,990,745

C. STATE DISCRETIONARY FUNDS, 1977-78

The State of Oregon realized an amount of $971,590 in FY 1978 which was available to the Oregon Department of Education for direct and support services, and for technical assistance. The Department utilized these funds in the following manner.

Support of Special Projects

Baker Regional Blind	$ 36,350	
Jackson Regional Blind	126,570	
Coos Regional Blind	35,228	
Malheur Regional Deaf	24,337	
Marion Regional Deaf	28,000	
OCE Satellite Evaluation Center	106,665	
Good Samaritan Hospital	37,500	
Providence Hospital	70,813	
Portland Autistic Program	80,418	
Roseburg Autistic Program	40,000	
Crippled Children's Division	31,654	
		$617,535

Comprehensive System of Personnel Development

Salaries, OPE, SS	$ 50,865	
Indirect Costs	10,876	
Consultant Service (Contract)	4,575	
Dissemination (Contract)	10,905	
Inservice Training (Contract)	90,268	
		167,489
Monitoring Contract		119,889
Childfind Contract		66,677
TOTAL		$971,590

D. FISCAL YEAR 1978-79

Beginning September 1, 1978 all handicapped children in Oregon were to have been provided free appropriate public educations. It is not anticipated that programs, services and activities will be unlike those for 1977-78. All first priority children identified in 1977-78 will be in appropriate programs in 1978-79. Additional first priority children to be located as a result of the state's child find efforts will be provided service on a first priority basis.

The majority of programs, services and activities will be directed toward extending existing programs to provide all services needed by handicapped children. New programs will be developed for those children who have been receiving an education, but who have not been provided the special education services needed. These new programs will be developed as a result of school district efforts to identify, locate, evaluate and place handicapped children in appropriate special education activities to meet their needs.

V. CHILD IDENTIFICATION

A. POLICIES AND PROCEDURES

Policies and procedures in the FY 1978 plan concerning child identification are incorporated in this FY 1979 plan and presented below.

The State of Oregon has established a policy that all children who are handicapped, regardless of the severity of their handicaps, and who are in need of special education and related services be identified, located and evaluated.

1. The agency responsible for statewide coordination of the planning and implementing of the child identification, location and evaluation efforts is the Oregon Department of Education.

   Each year, a handicapped child census is conducted to carry out the policy of identification and location. Data on handicapped children is collected state-wide and placed into a computer for easy retrieval of information needed in efforts to meet the full-service goal.

   The Oregon Department of Education supplies forms to all participating state, local and private agencies. Data is recorded regarding the birthdate of the handicapped child, the name in code, handicapping conditions, service provider, local school district residence, the services provided and other information necessary for carrying out the handicapped child identification policy. The raw data is then keypunched to make available by computer a data bank of information, to be used for the purposes for which the information is collected.

2. Other agencies that are participating in the handicapped child census effort are listed below.

   Albertina Kerr Center for Children
   Boys and Girls Aid Society
   Cedar Hills Psychiatric Hospital
   Child Adolescent Service Treatment Unit
   Child Development Rehabilitation Center, Crippled Children's Division
   Child Neurology Clinic, Good Samaritan Hospital

Children's Farm Home School
Children's Hospital School, Eugene
Children's Services Division
Christie School
Columbia Gorge Rehabilitation Center
Columbia Park Hospital School
County Juvenile Departments
Crippled Children's Division, Regional Service, U of O
Crippled Children's Division, Southern Oregon Regional
Crook County Preschool for the Handicapped
Dammasch Hospital Classes
Deschutes County Opportunity Center
Deschutes Preschool for Developmental Disabilities
Eastern Oregon Hospital and Training Center
Edgefield Lodge
Eugene Regional Facility for the Blind
Eugene Regional Facility for the Deaf
Eugene Speech and Hearing
Fairview Hospital and Training Center
Grande Ronde Child Center
Headstart
Hillcrest School
Holladay Center for Crippled Children
Horizon House (Clackamas County)
JANIS Project
Kerr Center for Handicapped Children
Lane Opportunity Center
MacLaren School
Malheur County Child Develoment Center
Mental Health Division
Mid-Columbia Children's Treatment Center
Mid-Valley Activity Center
Oregon State Hospital Classes
Oregon State School for the Blind
Oregon State School for the Deaf
Pacific Treatment Center
Parkdale Child Development Center
Parry Center
Pearl Buck Center
Plowshare School, Inc.
Portland Center for Speech and Hearing
Portland Habilitation Center
Portland Regional Facility for the Blind
Portland Regional Facility for the Deaf
Portland State University's Autistic Children's Program
Poyama Land
Private and Parochial Schools
Public Welfare Division
Rogue Valley Opportunity Center
Russelville School for Handicapped Children
Shangri-La
Shriner's Hospital for Crippled Children
Southern Oregon Child Study and Treatment Center

Southern Oregon Easter Seals Preschool
Southern Oregon Regional Facility for Education of the Deaf
Southern Oregon Regional Facility for Visually Handicapped
St. Mary's Home for Boys
Teaching Research
The Child Center, Eugene
Treasure Valley Opportunity Center
Tucker-Maxon Oral School
U of O Center on Human Development
U of O Medical School Hospital
Villa Gerard
Villa St. Rose
Vocational Rehabilitation Division
Waverly Children's Home
Westside School
White Shield Home School
Woodland Park Hospital
Wynne Watts High School

3. The data from the annual census is the most complete and comprehensive that the state has ever had. The census data collection instrument has been evaluated by representatives of participating agencies and has been modified for use in 1977-78 to more accurately reflect information that is needed to meet the state's policy on child identification.

4. Activities for handicapped child identification for the forthcoming year will constitute a continuation of the data bank system currently in use. The responsible agency will continue to be the Oregon Department of Education, with December 1 of each year as the date for data retrieval. Expected outcome is that all handicapped children residing in the state will be identified and that the state will have a practical method of determining which children are currently receiving needed special education and related services and which children are not. Financial resources for the census will be provided through PL 94-142 state administrative funds, and human resources to conduct the census will be current from the agencies identified in #2.

5. Monitoring of the child identification procedures will be accomplished by one of the PL 94-142 specialists on the staff of the Oregon Department of Education. It will be the responsibility of this person to work with all information sources and computer people to assure effectiveness of the data bank system and its ability to provide needed information concerning the kinds and numbers of handicapped children that have been identified, located and evaluated. The state will use a portion of its funds to help establish evaluation centers for the diagnosis and assessment of handicapping conditions. In addition, the state will approve LEA applications for PL 94-142 flow-through funds that will be used for handicapped child evaluation.

6. The method used by the state to determine which children are currently receiving special education and related services and which are not receiving such services is the data bank resulting from the Oregon Handicapped Child Census. A computer run tells the state not only the number of handicapped children who are and who are not receiving services, but also the residences and school districts of these children. Local school districts will be required to provide services to first-priority children before any educational programs are provided for second-priority children.

7. As described above, Oregon's child identification procedures are statewide and ongoing.

B. EXTENT OF PARTICIPATION OF OTHER AGENCIES AND THE OREGON DEPARTMENT OF EDUCATION

The Oregon Department of Education has cooperative agreements with the major state agencies of Mental Health, Children's Services, and Vocational Rehabilitation. These agencies and other agencies providing education and related services for handicapped children are recipients of referrals for the identification of various handicapping conditions. Children who are verified as having a handicapping condition are reported to the Oregon Department of Education for tabulation in the state's computer system for a count of all handicapped children residing in the state. Information is provided on whether or not the child is or is not receiving needed special education and related services and the local school district in which the child resides.

The role of the Oregon Department of Education, the agency responsible for handicapped child identification, is to provide feedback to LEAs in which handicapped children reside. Local education agencies with the cooperation of other agencies, locate the handicapped child and are responsible to see that appropriate educational services are provided. The Oregon Department of Education's role is being extended further through the establishment of a statewide childfind office as discussed later in this chapter. All agencies are expected to cooperate with the Oregon Department of Education in this childfind effort by reporting children with suspected handicapping conditions. The state's role will be to notify agencies having jurisdiction in which the child lives and then follow up on the disposition of each case reported.

C. ACTIVITIES

The handicapped child location, identification, and evaluation activities projected for 1977-78 were completed successfully. Each school district in the state, plus the agencies listed under policies and procedures for child identification, completed the state's handicapped child census data twice during the year. Each provided data on the numbers of handicapped children located, identified and evaluated.

The state now has statewide information on the numbers of handicapped children served with IEPs, the number served still needing IEPs developed, and the numbers unserved who, at the time of reporting, still needed service or evaluation to determine handicapping conditions. This data is available for each of the nine handicapping conditions defined in PL 94-142 and by age groups 3-5, 6-18, and 19-21. Oregon now has a practical means of determining not only how many handicapped children are residents of the state, but also a means of identifying which children are receiving special education and related services, and which are not. All agencies in the state serving handicapped children were required to provide full educational opportunities to all handicapped children by September 1, 1978.

The financial resources used in 1977-78 to carry out the policies and procedures for child identification were federal funds for the state administration of PL 94-142. The PL 94-142 administrative funds paid for a person half-time on the state staff to coordinate the handicapped child census, and paid for key punch operators and computer services necessary to sort and tabulate statewide data. Many hours of human resource time was contributed by local school districts and other agencies in providing biannual data for handicapped child identification.

Child identification activities to be carried out during 1978-79 include all those conducted during school year 1977-78. In addition, the state plans to conduct an active "childfind" campaign. This service will be contracted and will provide for a handicapped childfind office, a statewide toll free number for general referral by the public at large, an awareness media campaign including TV spots, newspaper articles and brochures. Referrals to the central childfind office will be made regarding action taken by the district.

The timeline for the new childfind activity is October 1, 1978. The funds for this activity come from the state's share of the 1978-79 grant award under PL 94-142 at an estimated cost of $70,000. It is expected that the childfind effort will identify a number of handicapped children who have not at this time been located, identified or evaluated.

VI. INDIVIDUAL EDUCATION PROGRAMS

A. RULES, POLICIES, AND STANDARDS

State policies concerning individualized education programs from the FY 1978 individualized education programs are incorporated in this FY 1979 plan and presented on the following page.

The state has also adopted administrative rules concerning IEPs for private school children. These new rules and older rules for IEP development (see Appendix D) are all brought together in this chapter for convenient identification of state policies on this requirement of the Education of All Handicapped Children's Act.

It is state policy that each local school district or education service district in the state will maintain records of the individualized education program (IEP) for each handicapped child; will establish or revise (whichever is appropriate) the IEP for each handicapped child at the beginning of each school year; and then will review and (if necessary) revise its provisions at least annually. This general policy statement requires the following for local school and education service districts:

1. IEPs will be developed and revised at the beginning of each school year, and reviewed and revised at least annually.

2. The LEA is responsible for initiating and conducting IEP planning conferences.

3. Parents will be afforded an opportunity to participate in the planning conference at a mutually agreed upon time and place and will be afforded alternative solutions should they be unable to attend. Procedures shall be developed for providing sufficient documentation of attempts to arrange a mutual setting to allow the conference to occur without parents. Provision for interpreters or other facilitators for parental participation in the case of a communication barrier on the part of the parent shall be made.

4. Planning conferences will be conducted within the first thirty days of the child's attendance or within thirty days of determination of the child's eligibility for special education.

5. The planning conferences shall include but not be limited to:
   (a) A representative of the local or education service agency.
   (b) The child's teacher(s).
   (c) One or both parents.
   (d) The child (when appropriate).
   (e) Other individuals, at the discretion of the parent or agency.

6. The individualized education program (IEP) shall include:

   (a) A statement of the child's present level of educational performance.

   (b) A statement of the annual goals describing anticipated behavior to be achieved, based on the child's unique needs.

   (c) A statement of the short-term instructional objectives.

   (d) A statement of the special education services and instructional materials to be provided, including special education and related services required to meet the child's unique needs.

(e) A description of the extent to which the child will participate in regular education programs.

(f) The projected date for the initiation and the anticipated duration of service.

(g) Appropriate objective criteria, evaluation procedures and schedules for determining on at least an annual basis whether the instructional objectives are being achieved.

(h) A list of individuals responsible for implementing the IEP.

7. The LEAs shall establish policies for developing, maintaining and evaluating individualized education programs for children placed in private schools by the LEAs which must include:

(a) Provisions for presence of teacher or private school representatives at planning conference, or alternative for physical presence.

(b) Provisions for the LEA to have final responsibility for the development of the individualized education program with option to delegate to the private school.

Rights of Children in Private Educational Agencies

581-15-136 A school district placing a handicapped child in or referring such a child to a private educational agency shall insure that the child receives the same rights and protections as are required for handicapped children in public schools and their parents under OAR 581-15-039 and 581-15-059 through 581-15-098.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Private Educational Agencies; Individualized Education Program

581-15-146 (1) Before a school district places a handicapped child in or refers such a child to a private educational agency, the school district shall initiate and conduct a meeting to develop an individualized education program for the child under OAR 581-15-065.

(2) The school district shall insure that a representative of the private educational agency attends the meeting. If the representative cannot attend, the school district shall use other methods to insure participation by the private educational agency, including individual or conference telephone calls.

(3) The school district shall develop an individualized education program for each handicapped child who was placed in a private educational agency by a public agency prior to the effective date of this rule.

(4) After a handicapped child enters a private educational agency, any meetings to review and revise the child's individualized education program may be initiated and conducted by the private educational agency at the discretion of the school district.

(5) If the private educational agency initiates and conducts such meetings, the school district shall insure that the parents and an appropriate school district representative:

(a) Are involved in any decision about the child's individualized education program, and

(b) Agree to any proposed changes in the program before those changes are implemented.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Private Schools; Individualized Education Program

581-15-151 If a handicapped child is enrolled in a private school the child may receive special education from a school district. Before the special education is provided, the district shall:

(1) Initiate and conduct meetings to develop, review and revise an individualized education program for the child in accordance with OAR 581-15-065, and

(2) Insure that a representative of the private school facility has an opportunity to attend each meeting. If the representative cannot attend, the district shall use other methods to insure participation by the private school, including individual or conference telephone calls.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Determination of Needs; Number of Children and Types of Service

581-15-171 The needs of handicapped children in private schools, the number of them who will participate pursuant to Public Law 94-142 and the types of special education which the school district will provide for them shall be determined after consultation with persons knowledgeable of the needs of these children on a basis comparable to that used for handicapped children enrolled in public school.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

C. PROCEDURES

These Oregon Administrative Rules are incumbent on all agencies in the state and provide the manner in which individual education programs are developed, implemented, reviewed and revised. The procedure the Department of Education uses to evaluate IEPs is on-site visits by Department staff. An extensive IEP development checklist is used to assure compliance with all rules and regulations.

All agencies are required to evaluate each handicapped child's IEP at least annually to:

1. Establish whether or not the child is progressing as specified in the long-term goals of the IEP.

2. Establish whether or not the child is approaching a point of transfer to another program.

3. Plan what adjustments might be necessary if the plan does not seem appropriate.

4. Determine if the short-term objectives need revision or new objectives developed.

5. Determine if activities have been completed on the established criteria.

6. Determine if other services such as testing or physical therapy are required.

VII. PROCEDURAL SAFEGUARDS

A. POLICIES AND PROCEDURES

The policies and procedures in Oregon's FY 1978 plan concerning procedural safeguards are incorporated in this FY 1979 plan and presented below.

1. Whenever a local or state agency proposes to initiate or change (or refuses to initiate or change) the identification, evaluation or educational placement of a child, or an agency refuses the provision of a free appropriate public education to a child, a written prior notice to the parents or legal guardians of the handicapped child shall be made. The written notice must include the following:

   (a) A detailed description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and reasons why those options were rejected.

(b) A description of any tests, reports or evaluation procedures upon which the action is based.

(c) A detailed description of the right of parents to obtain a due process hearing if there are objections to the proposed or refused action, the right of parents to challenge the proposed or refused action, and the right to obtain an independent evaluation of the child. A list of public and private agencies from whom evaluations may be obtained shall also be provided to the parent.

The written notice shall use common understandable language. It shall be in the native language of the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the state or local education agency shall assign a translator to the parent. The translator shall assure the agency that the parent understands the content of the notice and shall provide written evidence of same.

(d) A description of any other factors which are relevant to the agency's proposal or refusal.

2. Agencies shall obtain parental consent prior to: the initiation of formal evaluation procedures, the disclosure of confidential information to anyone other than officials of participating agencies, the use of information for purposes other than those previously specified by the parent, or the initial placement of a handicapped child in a program providing special education and related services.

3. Local and state agencies maintaining records will provide parents with an opportunity to examine all records concerning their child with respect to: identification, evaluation and educational placement of a child; and the provision for a free, appropriate public education of a child.

4. Agencies shall afford parents an opportunity for an impartial due process hearing if the parent objects to proposed actions by the agency to:

(a) Initiate or change the identification, evaluation or educational placement of a child.

(b) Deny the provisions of a free, appropriate education.

(c) Initiate formal evaluation procedure.

(d) Disclose confidential information to anyone other than officials of participating agencies.

(e) Use information for purposes other than those previously specified by the parent.

This general policy is further detailed to require agencies to:

(a) Prohibit an employe or officer of the involved agency or any person having personal or professional interest in the hearing from conducting such hearing.

(b) Be responsible for conducting the hearing if it is the agency that proposed the action or refused action, and the parent objects.

(c) Provide for the rights of parents in the hearing, including: the right to be accompanied and advised by counsel or other person with special knowledge or training with respect to the problems of handicapped children; the right to present evidence and confront, cross-examine and compel witnesses to attend the hearing; the right to a verbatim record of the hearing; and the right to written findings of facts and decisions.

(d) Afford parents the opportunity to appeal the hearing officer's decisions to:

(1) The State Superintendent of Public Instruction (if the initial hearing was held at the local level);

(2) Civil Court.

(e) Commence and complete hearings and reviews which are consistent with fair consideration of the issues involved as quickly as possible, but not later than 45 days after receipt of a complaint, unless the parties agree to an extension. The hearings and reviews are to be conducted at a time and place which is reasonably convenient to the parents and child involved.

(f) Provide (unless otherwise agreed upon between the agency and parent) that the child will remain in the present placement until completion of the proceedings; or, if the hearing involves initial admission to public school, the child will, with the consent of the parent, be placed there until completion of proceedings.

(g) Insure impartiality.

5. If the parents or guardians are not known, unavailable or the child is a ward of the state, the educational agency responsible shall assign an individual (not to be an employe of the state or local educational agency involved in the education or care of children) to act as a surrogate for the parents or guardians. In selecting surrogate parents, the LEA should make a presumption in favor of relatives of the child. Further, persons selected as surrogates shall:

(a) Have no other vested interest that would conflict with their primary allegiance to the child they represent.

(b) Be committed to personally and thoroughly acquaint themselves with the child and the child's educational needs.

(c) Be familiar with the educational system within the state.

(d) Not be an employe of the state or local education agency.

B. SURROGATE PARENT GUIDELINES

According to OAR 581-15-005(16) "Surrogate Parent" means an individual appointed by the State Superintendent of Public Instruction or designee to act in place of parents or guardians in safeguarding a child's rights in the special education decision-making process when the parents or guardians are unknown, unavailable, or the child is a ward of the state.

1. When is the child eligible for a surrogate parent?

To be eligible for a surrogate parent:

- The child must be handicapped or believed to be handicapped; and
- The child's parents must be unknown or unavailable or
- The child must be a ward of the state.
  (ORS 343.077(4)) (See Form 1, Appendix F.)

Frequently asked questions:

- If the natural parent is known, is a child eligible for a surrogate?

Answer: If the natural parent is known, a surrogate is still provided if (a) the parent cannot be located or (b) the child is a ward of the state. (Attorney General's memo dated 6-30-78)

- If the natural parent is known and the child is a ward of the state, is a surrogate parent needed?

Answer: Yes. A surrogate parent is needed when the child is a ward of the state. (Attorney General's memo dated 6-30-78)

- Who determines whether a surrogate parent is needed?

Answer: The State Superintendent of Public Instruction determines whether or not the child needs a surrogate parent. (OAR 581-15-098)

- Can school districts or other public agencies appoint surrogate parents when the natural parents are uncooperative or fail to respond?

Answer: No. According to the commentary section of the federal regulations: "The requirements for appointing surrogates apply only when no parent can be identified, the agency after reasonable efforts cannot discover the whereabouts of a parent, or a child is a ward of the state. Agencies are not allowed to appoint surrogates when parents are uncooperative or nonresponsive." (Federal Register, August 23, 1977, "Part II, Education of Handicapped Children," page 42512.) The Oregon Department of Education is working toward adoption of this policy as an Oregon Administrative Rule.

2. How is a surrogate parent appointed?

(a) The school district, residential school, hospital or any agency involved in the education of handicapped child or any individual having educational knowledge of the child shall notify the Oregon Department of Education of the need for a surrogate parent. The notification shall include the following:

- A statement, including reasons, that the child is believed to be eligible (or is eligible) for special education services as a handicapped child; and
- A statement that the child's parent is believed to be unknown or unavailable or that the child is believed to be a ward of the state.

(b) The request for an appointment of a surrogate shall be sent to Director of Special Education, Oregon Department of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. (See Form I, Appendix E.)

(c) The director of the Special Education Section, acting for the State Superintendent of Public Instruction, will review the notification and determine whether a surrogate is necessary. (OAR 581-15-089(2)) Appointment is made from a list of nominees submitted by the State Advisory Council for Handicapped Children, the Oregon Developmental Disabilities Council and the Oregon Commission for the Blind. If no list is submitted, the director appoints a suitable person as surrogate. (ORS 343.077(4))

(d) In cases where a surrogate parent is needed for a child attending school in a school district, a notice of the need for a surrogate parent shall be sent to the adult with custody of the child. The notice shall state that the child has been referred for assignment of a surrogate parent and why. In cases where the parent cannot be located, the notice of the need for a surrogate parent shall be sent to the parent's last known address.

(e) To be a surrogate:

- The person cannot be an employe of the Oregon Department of Education. (ORS 343.077(4))
- The person cannot be an employe of any public agency involved in the education or care of the child. (ORS 343.077(4))
- The person shall give reasonable assurance to the Department that he or she has no interest that conflicts with the interest of the child he or she would represent. (45CFR 121a.514(c)(i))
- The person must give reasonable assurance that he or she has knowledge and skills that insure adequate representation of the child. (45CFR 121a.514(c)(ii))
- The person shall have no prior history of behavior which would be detrimental to the health, safety or welfare of the child.
- The person shall agree to serve as a surrogate parent for a particular child.

(f) Any nomination for surrogate parent submitted by the State Advisory Council for Handicapped Children, the Oregon Developmental Disabilities Council, or Commission for the Blind should include a signed, written statement (see Form 2, Appendix E) attesting to the nominee's qualifications with regard to six criteria listed above.

(g) School districts or agencies responsible for the education of handicapped children may suggest the name of a surrogate if the councils or commission named in the law do not submit a list of nominees. For any nominee suggested, a signed, written statement is required attesting to his or her qualifications with regard to all six criteria. (See Form 2, Appendix E.)

(h) Even though a surrogate parent must be appointed for a ward of the state, nothing in the law precludes appointment of the natural parent as the surrogate parent. In addition, relatives or foster parents may be appointed if they are willing to serve in this capacity and meet the six criteria for appointment. However, natural parents, foster parents or relatives are not "automatically appointed" as surrogate parents; they must be appointed by the State Superintendent of Public Instruction.

(i) Once assigned, the surrogate parent shall represent the child for as long as the child needs a surrogate. Should changes in or termination of assignment become necessary, the procedures lsited below shall be observed.

- A request for a change or termination of assignment may be made by the child, the surrogate parent, or the educational agency involved.

- The request for change or termination of assignment of the surrogate parent shall be made in writing to the State Superintendent of Public Instruction, Oregon Department of Education.

- In a case where a party other than the surrogate parent has initiated a request for change in or termination of assignment, the initiating party shall give notice of such request to the surrogate. The notice shall include a full statement of the reasons for the request and identification of every other party receiving the notice.

- The request for change in or termination of assignment shall state the reasons for the request. Supportive documentation or other relevant evidence for such reasons shall be included (e.g., abuse, nonperformance of duty) in cases where some party other than the surrogate parent has initiated a request for change in or termination of assignment.

- The State Superintendent of Public Instruction shall determine whether or not a change in or termination of assignment of the surrogate parent is warranted. Written notice of this decision shall be provided to the person initiating the request, including a statement of the evidence considered and the basis for the decision, and to the other interested parties. The school district or the agency responsible for the education of the handicapped child shall notify the adult having custody of the child.

- Termination of Assignment of Surrogate Parent. Termination of the assignment of surrogate parent will be made if one or more of the following circumstances occurs: (a) the child reaches the age of majority (except those who are of the age of majority but who are determined to be legally dependent and subject to a guardianship); (b) the child is found to be no longer eligible for special education services (except when termination of special education services is being contested); (c) legal guardianship responsibility for the child is transferred to a person who is able to carry out the role of the parent; (d) a parent, who was previously unknown or unavailable, is now known or available; or (e) the appointed surrogate parent is no longer eligible.

3. What are the responsibilities of the surrogate parent?

(a) The surrogate parent shall:

- Represent the interest and safeguard the rights of the child in educational decisions affecting the child. (OAR 581-15-098)
- Be acquainted with the child's handicap and the child's educational needs. (OAR 581-15-098)
- Represent the child in all matters relating to the identification, evaluation and educational placement of the child. (OAR 581-15-098)
- Represent the child in all matters relating to the provision of a free appropriate public education to the child. (45 CFR 121a.514(e)(2))

(b) Limits of the surrogate parent's responsibilities:

- The surrogate parent has no authority over care and maintenance of the child, custody of the child, foster home placement of the child, or any other area not specifically related to the education of the child.
- The surrogate parent has no responsibility for identification or evaluation of the child that does not relate specifically to special education.
- Contact with the handicapped child by the surrogate parent at school or in a residential agency has some limitations. Reasonable precautions must be taken by the school or public agency responsible for the welfare of children under their custody. Surrogate parents would have the same visitation rights as parents with regard to carrying out responsibilities relating to the provision of special education services for the child.

(c) The Oregon Department of Education does not have resources available to pay salaries, expenses or legal fees for surrogate parents. In addition, school districts and public agencies are not obligated to pay such expenditures under state or federal law.

C. ADMINISTRATIVE RULES

The Oregon Adminstrative Rules that have been adopted for the administration of Oregon law to insure that the requirements for procedural safeguards are met are provided below. Section numbers from the Federal Register, Part 121a. are listed in the left margin for cross-reference.

Federal Register
Section Number
121a.503

Independent Educational Evaluation

581-15-094 (1) If a parent questions an educational evaluation of his or her child by the school district, the parent may request an independent educational evaluation to be made at the expense of the school district. If a hearing regarding the child has been requested, the request for an independent educational evaluation shall be made prior to that hearing.

(2) Before an independent educational evaluation is made, the school district may initiate a hearing, as provided in OAR 581-15-081, on the issue of the appropriateness of its educational evaluation of the child. If the findings of fact are that the school district's evaluation is:

(a) Appropriate, the parent is nevertheless entitled to an independent educational evaluation but not at school district expense;

(b) Inappropriate, an independent educational evaluation shall be ordered at school district expense.

(3) The results of an independent educational evaluation:

(a) Shall be considered by the school district with regard to any further action taken with regard to the child and

(b) May be presented as evidence at a subsequent hearing regarding the child.

(4) Whether an independent educational evaluation is requested or not, the parent shall be given an opportunity to examine all records with respect to the identification, evaluation and educational placement of the child.

(5) The school district shall maintain a list of public and private agencies from which an independent educational evaluation may be obtained and shall furnish the list to parents upon request.

(6) If a hearings officer requests an independent educational evaluation as a part of a hearing, the evaluation shall be at school district expense.

Statutory Authority: ORS 343.055
Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

121a.504(b)

Definitions

581-15-005 The following definitions apply to Oregon Administrative Rules 581-15-015 through 581-15-201, unless the context requires otherwise;

(1) "Consent" means that:

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes the activity and lists the records (if any) which will be released and to whom; and

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

(2) "Evaluation" means procedures used to reflect the aptitude and achievement as well as determine whether a child is handicapped and the nature and extent of the special education that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in school, grade, or class.

(3) "Handicapped children" includes all persons under 21 years of age who require special education in order to obtain

the education of which they are capable, because of mental, physical, emotional or learning problems. These groups include, but are not limited to those categories that have traditionally been designated: mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children; individuals who are pregnant; or children with specific learning disabilities.

(a) "Deaf" means a hearing impairment which is so severe that the child's hearing, with amplified sound, is nonfunctional for the purposes of educational performance.

(b) "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and education problems that the child cannot be accommodated in special education programs solely for deaf and blind children.

(c) "Hard of hearing" means a hearing condition, which is functional with or without amplified sound, and which adversely affects a child's educational performance.

(d) "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrent with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's education performance.

(A) Educable mentally retarded means a child:

(i) who has mild retardation,

(ii) whose intelligence test score ranges between 2 and 3 standard deviations below the norm on a standard individual test, and

(iii) who fully meets eligibility criteria under OAR 581-15-051(7).

The approved cost of special education programs for educable mentally retarded children will be reimbursed from the Oregon Department of Education under provisions of OAR 581-15-046.

(B) Trainable mentally retarded means a child:

(i) who has moderate, severe, or profound levels of mental retardation,

(ii) whose intelligence test score is below 3 standard deviations on a standardized individual test, and

(iii) who fully meets eligibility criteria under OAR 581-15-051. The approved excess cost of special education programs for trainable retarded children will be reimbursed from the Oregon Mental Health Division under provisions of ORS 430.780.

(e) "Multihandicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include children who are deaf-blind.

(f) "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).

(g) "Other health impaired" means limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects

a child's education performance.

(h) "Seriously emotionally disturbed" means an emotional problem which affects a child's educational performance to the extent that the child cannot make satisfactory progress in the regular school program. Because of organic and/or environmental influences, seriously emotionally disturbed children exhibit one or more of the following characteristics over an extended period of time and to a marked degree:

(A) an inability to learn at a rate commensurate with their intellectual, sensory-motor, and physical development;

(B) an inability to establish or maintain satisfactory interpersonal relationships with peers, parents, or teachers;

(C) inappropriate types of behavior or feelings under normal circumstances;

(D) a variety of excessive behavior ranging from hyperactive, impulsive responses to depression and withdrawal; or

(E) a tendency to develop physical symptoms, pains, or fears associated with personal, social, or school problems.

(i) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think speak, read, write, spell or do mathematical calculations. These children are unable to profit from regular classroom methods and materials without special educational help, and are, or will become, extreme underachievers. These deficits may be exhibited in mild to severe difficulties with perception (the ability to attach meaning to sensory stimuli), conceptualization, language, memory, motor skills, or control of attention. Specific learning disability includes such conditions as perceptual handicaps, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The terms does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(j) "Speech impaired" means a communication disorder, such as a language impairment, stuttering, impaired articulation, or a voice impairment, which adversely affects a child's educational performance.

(k) "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes those children who are partially sighted or blind.

(4) "Independent education evaluation" means an evaluation conducted by a fully certified or licensed professional examiner who is not employed by and does not routinely provide evaluations for the public agency responsible for the education of the child in question.

(5) "Individualized education program" means an educational plan written for each handicapped child which is developed and implemented in OAR 581-15-064 through 581-15-069.

(6) "Individual having educational knowledge of the child" means the child's teacher, counselor or other person employed by the school district or other agency involved in the education or care of the child who, by professional training or skill and by acquaintance with the child, is in a position to make a professional judgment concerning the child's need for special education.

(7) "Native language" with reference to a person of limited English-speaking ability means the language normally used by that person or, in the case of a child, the language normally used by the parents of the child.

(8) "Parents" means a natural or adoptive mother or father, a legally appointed guardian, a surrogate parent, or the

child, if the child has attained the legal age of majority.

(9) "Personally identifiable information" includes:

(a) The name of the child, the child's parent or other family member,

(b) The address of the child,

(c) A personal identifier, such as the child's social security number or student number, and

(d) A list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

(10) "Private educational agency" means the educational component of those agencies listed in ORS 343.960(1) or the agency furnishing such components to the agencies listed therein and private schools with which school districts contract for the provision of special education to handicapped children pursuant to ORS 343.221(4).

(11) "Private school" means an educational institution or agency not operated by a public agency.

(12) "Regular school year" means the time in which pupils are normally enrolled in an annual period exclusive of any distinct extra or special session, such as separate summer sessions.

(13) "Related services" includes transportation; and such developmental, corrective and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, special equipment, reader services, volunteer services to enhance special educational programs, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes early identification and assessment of handicapping conditions in children.

(14) "School district" has the same meaning as in ORS 330.005(2) and also includes, where appropriate, an intermediate education district (education service district on or after July 1, 1978).

(15) "Special education" means specially designed instruction to meet the unique needs of a handicapped child, including regular classroom instruction, instruction in physical education, home instruction, related services, and instruction in hospitals, institutions and special schools.

(16) "Surrogate parent" means an individual appointed by the State Superintendent of Public Instruction or designee to act in place of parents or guardians in safeguarding a child's rights in the special education decision-making process when the parents or guardians are unknown, unavailable, or the child is a ward of the state.

(a) "Unknown" means the parent cannot be identified or ascertained by diligent inquiry.

(b) "Unavailable" means the public agency, after reasonable efforts, cannot discover the whereabouts of a parent.

Statutory Authority: ORS 343.055

Hist: Filed 3-3-78 as 1 EB 8-1978, Eff. 3-3-78
Amended 9-22-78 by 1 EB 35-1978, Eff. 10-5-78

121a.504

Parental Consent

581-15-039 Written parental consent shall be obtained before a child who may be handicapped is given a preplacement evaluation, and before such child is initially placed in a special education program unless the evaluation or placement has been determined by a final order under OAR 581-15-089 to be appropriate without parental consent.

Statutory Authority: ORS 343.055
Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77
Amended by 1 EB 37-1978, Eff. 10-5-78

Procedure Where Parent Refuses

121a.504(c) When a parent refuses consent for the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education for a child, the matter becomes the subject of a due process hearing.

When Hearing May be Requested

581-15-081 (1) A parent or the school district may request a hearing when either party does not agree with the identification, evaluation or educational placement of a child who may be handicapped, and the school district may request a hearing when a parent refuses to give consent pursuant to OAR 581-15-039 or when the parent requests an independent educational evaluation at school district expense.

121a.506(c)

(2) If requested by a parent or if a parent or the school district initiates a hearing, the school district shall inform the parent of any available free or low-cost legal and other relevant services.

Statutory Authority: ORS 343.055 and 343.077(2)
Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Criteria for Impartial Hearings Officers

581-15-096 (1) A hearings officer appointed to conduct a hearing regarding the identification, evaluation or educational placement of a child who may be handicapped shall:

(a) Not be employed by a public agency responsible for the education or care of the child in any capacity other than as a hearings officer and

(b) Not have a professional or personal interest which would conflict with his or her objectivity in the hearing.

121a.507(c)

(2) Each school district shall keep a list of the persons serving as hearings officers which shall include a statement of the qualifications of each of those individuals.

Statutory Authority: ORS 343.055
Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Prohibiting New Information - 5 Days

121a.508(a)(3) Any party to a hearing has a right to prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing.

121a.508(b)

Contents of Prior Notice

581-15-077 The written notice shall include:

(1) A reference to the particular sections of the statutes and rules involved;

(2) A plain statement of the matters asserted including, but not limited to:

(a) A description of the proposed or requested action and reasons why such action is deemed appropriate or inappropriate for the child,

(b) A description of any options which the school district considered and reasons why those options were rejected and

(c) A statement as to any tests, reports or evaluation procedures upon which the proposed or refused action is based;

(3) A statement of the authority and jurisdiction under which the hearing is to be held;

(4) A statement of the parents' right to a hearing;

(5) A statement that the parents have the rights to:

(a) Have the subject child present at the hearing and

(b) Open the hearing to the public;

(6) A statement that, if the parents desire a hearing, the school district must be notified in writing within 20 days of the mailing of the notice;

(7) A statement that the parents may be represented at the hearing by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children;

(8) A statement that the parents have the right to obtain an independent educational evaluation of the child which includes a list of public and private agencies from whom independent educational evaluations may be obtained;

(9) A statement that public school files, records and reports pertaining to the child will be available to the parents and their designated representative for inspection and photocopying at a reasonable cost;

(10) A statement that, during the pending of any administrative or judicial proceedings, the child will remain in the present educational placement or, if applying for initial admission to a public school, the child shall be placed in the public school with the consent of the parents, except that the parents and the school district may agree otherwise for the provision of appropriate educational services, and except that, where imminent danger to the health or safety of the child or others, constituted by conduct of the child, so necessitates, the child may be excluded temporarily from the public schools.

Statutory Authority: ORS 343.055 and 183.415(2)
Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Final Order

581-15-089 (1) The district school board, after reviewing exceptions and hearing argument, shall adopt or modify the proposed order or reject it and prepare its own order.

(2) Final orders of the district school board arising from hearings conducted under this rule shall be in writing and include the following:

(a) Rulings on the admissibility of evidence offered.

(b) Findings of fact: those matters which are either agreed as fact or which, when disputed, are determined by the factfinder, on substantial evidence, to be a fact over contentions to the contrary.

(c) Conclusion(s) of law: applications of the controlling law to the facts found and the legal results arising therefrom.

(d) Order: the action taken by the district school board as a result of the findings of fact and conclusions of law.

(3) Parties to hearings conducted under this rule and their attorneys of record shall be served a copy of the final order.

(4) A copy of the final order with personally identifiable information deleted shall be transmitted to the State Advisory Council for Handicapped Children.

(5) Parties shall be notified of their right to review of the district school board's final order by the State Superintendent of Public Instruction and of judicial review of the final order resulting from the Superintendent's review.

(6) Whenever the decision of the school board differs from the recommendation of the hearings officer, and no party appeals the decision, the record and order shall be sent to the State Superintendent of Public Instruction who shall review the order and record, and who may sustain or reverse the order of the Board. The proceedings shall be deemed an appeal for purposes of ORS 343.077.

Statutory Authority: ORS 343.055, 343.077(2) and 183.470

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77
Amended 10-31-78 as 1 EB 41-1978, Eff. 11-1-78

121a.512

Appointment of Hearings Officer and Notice of Hearing

581-15-082 Upon receipt of a written request by a parent or the school district for a hearing, the school district board shall appoint a hearings officer, in accordance with OAR 581-15-096, to conduct the hearing and shall provide to the parties of the hearing notification as to the time and place of the hearing, which should be at a time and place reasonably convenient to the parents and child.

Statutory Authority: ORS 343.055, 343.077(2) and 183.415(2)

Hist: Filed 12-22-77 as I EB 269, Eff. 12-22-77

Implementation Procedures

121a.136 The procedure the Oregon Department of Education uses to inform each public agency of its responsibility for insuring effective implementation of procedural safeguards for the handicapped children served by that agency is:

(1) A general distribution of all Oregon Administrative Rules.

(2) A general distribution of the State Annual Program Plan Amendment.

(3) A general letter from the State Superintendent of Public Instruction requiring compliance with the Federal Register, Section 121a.

(4) A general mailing of PL 94-142 and the final regulations for the Act.

(5) Monitoring for compliance by Oregon Department of Education staff.

(6) Letters of agreement between other state agencies and the Oregon Department of Education.

(7) Inservice workshops and individual counseling by telephone on the part of Oregon Department of Education staff members.

121a.510(b)

Administrative Review of Local District Order

581-15-105 (1) Within 20 days of the date of the final order under OAR 581-15-089, any party under OAR 581-15-081 or 581-15-083 may file a petition with the State Superintendent to review the order. The petition shall be served on all parties and on the State Superintendent personally or by certified mail.

(a) If a petition for reconsideration or rehearing is filed under OAR 581-15-090, the petition for review shall be filed within 20 days from the date on which the petition for reconsideration or rehearing was denied or from the date the amended order was issued under OAR 581-15-090 (3) or (4).

(2) The petition to review shall include the specific grounds for the appeal, the alleged procedural or substantive errors and omissions in the hearings record and in the final order, a request for oral arguments, if desired, and any legal arguments to support the appellant's position.

(a) Within 15 days of the date on which the petition for review is filed, the respondent may file a response to the

121a.510(b)(4)

121a.510(d)

121a.510(b)(1)

121a.510(b)(3)

121a.510(b)(5)

121a.510(b)(6)

121a.510(b)(2)

petition. The response shall speak to the issues raised in the petition. The response shall be served on all parties and the State Superintendent personally or by certified mail.

(3) If an oral argument is requested by either party, the State Superintendent may schedule such oral arguments within 10 days after the respondent's response is due. Oral arguments shall be conducted at a time and place reasonably convenient to the parents and child involved.

(4) The State Superintendent's review of the case shall be confined to the record of the original proceeding. The order from the original proceeding shall be reversed only if the State Superintendent finds:

(a) The order to be unlawful in substance or procedure, but procedure shall not be cause for reversal unless substantive rights of the appellant were prejudiced; or

(b) The order is not supported by evidence in the record.

(c) The State Superintendent may upon his own, ask for clarification of the evidence in the record. The Superintendent may also take notice of judicially cognizable facts, or general, technical, or scientific facts within the field of special education. Prior to making a final decision the Superintendent shall notify the parties of any materials so noticed and shall afford the parties an opportunity to contest the facts so noticed.

(5) Within 30 days from the date on which the petition for review is received, the State Superintendent shall reverse or affirm the order. The State Superintendent may extend the time for issuing an order upon the request of a party or upon a showing of good and sufficient cause. A copy of the findings and decision shall be sent by certified mail or delivered personally to each of the parties. Each party shall be notified of the right to judicial review. A copy of the order with all personally identifiable information deleted shall be filed with the State Advisory Council for Handicapped Children.

(6) Within 20 days of the date of the final order under OARs 581-15-089 or 581-15-090(3) or (4), and after a petition for review is filed under section (1) of this rule, either party may request that the State Superintendent order the original proceeding reopened to receive additional evidence. The requesting party shall show to the State Superintendent that the additional evidence came into existence after the issuance of the final or amended order or that other reason exists for the failure to present the evidence at the original hearing. If the State Superintendent finds that the new evidence creates a substantial probability that the decision would be reversed, the State Superintendent shall order that the original proceeding be reopened to receive the new evidence under such conditions as the State Superintendent deems proper. The district may modify its order by reason of the additional evidence or certify that its order remains unchanged. The district shall file with the State Superintendent the record of the hearing at which the additional evidence is received together with its amended findings and conclusions.

(a) If the requesting party is satisfied with the school board's findings and conclusions upon rehearing, the appeal shall be dismissed. If the requesting party is not satisfied, the State Superintendent shall consider the additional evidence when the final order is reviewed under Section (4) of this rule.

(7) The State Superintendent may order time extensions beyond the periods set forth in this rule.

Statutory Authority: ORS 343.077(5), 343.055, and 183.450

Hist: Filed 12-22-77 as 1 EB 270 (Temp.), Eff. 12-22-77
Filed 10-5-78 as 1 EB 39-1978 (Perm.), Eff. 10-5-78

VIII. LEAST RESTRICTIVE ENVIRONMENT

A. POLICIES

The policies in Oregon's FY 1978 plan concerning least restrictive environment are incorporated in this FY 1979 plan and presented below.

To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped. Special classes, separate schooling or other actions which remove handicapped children from the regular educational environment shall occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The Oregon Department of Education subscribes to the philosophy that handicapped children have the right to be educated with their peers, unless clear evidence is available that partial or full removal from a regular classroom is necessary. An individual education program with specific goals shall be established when a handicapped child is assigned to a special program. When these specific educational goals are met the child shall be returned to the regular classroom.

Every LEA should provide a variety of program alternatives to meet the needs of each handicapped child.

Alternatives are prescribed in ORS 339.030 (4) for children who cannot attend school. This law states: "Upon determination pursuant to criteria of the State Board of Education that a child is suffering from physical or mental illness or disease of such severity as to make his presence in a school facility or his travel to and from such facility impossible or dangerous to his health or the health of others, the public schools shall provide the child either home, hospital, institutional or other regularly scheduled and suitable instruction meeting standards of the State Board of Education unless such child is receiving suitable instruction in a state or regional facility or institution"

Alternatives or levels of service available to handicapped children include special programs within the school district and those provided through the education service district, home instruction, hospital care and instruction, regional facilities or institutions, and contracts with private schools providing education for handicapped children.

B. ADMINISTRATIVE RULES

To help insure the effectiveness of this policy, the Oregon Department of Education adopted the following Administrative Rule:

Requirement for Least Restrictive Environment

581-15-059 School districts shall insure that:

(1) To the maximum extent appropriate, handicapped children are educated with children who are not handicapped and

121a.552(b)

(2) Removal of handicapped children from the regular educational environment in any way occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Alternative Placements and Supplementary Services

581-15-060 School districts shall insure that a continuum of alternative placements is available to meet the needs of handicapped children for special education and related services, which continuum must:

(1) Include as alternative placements instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions; and

(2) Provide for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Placement of the Child

121a.552(a)(1)
121a.552(a)(2)

581-15-061 School districts shall insure that:

(1) Each handicapped child's educational placement:

(a) Is determined annually,

(b) Is based on his or her individualized education program and

121a.552(a)(3)

(c) Is as close as possible to the child's home;

121a.552(b)

(2) The alternative placements under OAR 581-15-060 are available to the extent necessary to implement the individualized education program for each handicapped child;

121a.552(c)

(3) Unless a handicapped child's individualized educational program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped; and

121a.552(d)

(4) Consideration be given, in selecting the least restrictive environment, to any potential harmful effect on the child or on the quality of services which he or she needs.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Nonacademic Settings

121a.553

581-15-062 School districts shall insure that each handicapped child participates with nonhandicapped children to the maximum extent appropriate to the needs of that child, in nonacademic and extracurricular services and activities.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

C. PROCEDURES FOR IMPLEMENTING LEAST RESTRICTIVE ENVIRONMENT

The procedure the Oregon Department of Education will use to inform each public and private agency of its responsibility for placing handicapped children in the least restrictive environment is as follows:

1. All Oregon Administrative Rules, including those listed above dealing with the least restrictive environment, will be distributed to all public and private agencies serving handicapped children. These rules have the same effect as law and are binding for all agencies.

2. All public and private agencies have been mailed copies of PL 94-142 and the regulations printed in the Federal Register of August 23, 1978. Both state law and rules and federal law and regulations require identical procedures for placing handicapped children in the least restrictive environment.

3. Each agency applying for PL 94-142 funds must submit an application for these funds and, among other requirements, must provide their procedures for implementing the least restrictive environment. Funds are not awarded to applicants without assurance that this requirement is being met.

4. The Oregon Department of Education will monitor all agencies for compliance with PL 94-142. Among the many items to be monitored will be the least restrictive environment policy and procedures at the agency level.

5. The inservice training portion of the state's comprehensive personnel preparation plan includes inservice for administrators and teachers to inform them of their responsibilities and to provide technical assistance. As shown in Table 5, 2,608 persons will receive inservice training on least restrictive environment during 1978-79.

D. Table 4 "Least Restrictive Environment," has been updated with information from the 1977-78 school year. The table shows alternative placements available in Oregon and the actual placement of handicapped children. The data was gathered from LEA applications, which provided information on the various placements being made at the local level. This table is presented on the following page.

TABLE 4—LEAST RESTRICTIVE ENVIRONMENT (Include both 89-313 and 94-142)

(Placement and number of handicapped children in each section for school year 1977-1978*)

STATE: Oregon

DATE:

	REGULAR CLASS (A)				SEPARATE CLASS (B)				SEPARATE SCHOOL FACILITY (C)				OTHER EDUCATIONAL ENVIRONMENT (D)			
	Total Receiving Special Education In Regular Class By Age Classification			Additional Needing Placement In Regular Class	Total Receiving Special Education in Separate Class By Age Classification			Additional Needing Placement In Separate Class	Total Receiving Special Education In Separate School Facilities By Age Classification			Additional Needing Placement In Separate School Facilities	Total Receiving Special Education In Other Educational Environments By Age Classification			Additional Needing Placement In Other Educational Environments
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21
Mental Retardation	48	1707	72	102	535	3444	129	15	37	272	95	1	31	649	75	0
Hard of Hearing	10	677	6	0	4	145	0	0	5	175	0	0	3	3	0	0
Deaf	2	139	0	2	13	33	0	0	8	188	10	1	7	23	0	0
Speech Impaired	780	11612	63	0	0	0	0	0	0	0	0	0	0	0	4	0
Visually Handicapped	25	268	10	0	0	0	0	0	2	96	0	0	5	28	0	0
Seriously Emotionally Disturbed	34	1453	9	25	2	113	11	5	0	324	13	2	6	189	9	0
Orthopedically Impaired	32	312	25	0	3	44	0	0	15	173	0	0	2	65	3	0
Health Impaired	12	337	74	0	1	38	0	0	1	0	0	0	11	296	15	0
Specific Learning Disability	324	15927	202	0	31	102	12	0	0	0	0	0	0	52	0	0
TOTAL	1267	32432	461	129	589	3919	152	20	69	1228	118	6	65	1305	106	0

NOTE: Data reported in columns (5), (9), (13), and (17), concerning needed services will be translated into facility projections by the Office of Education.

*Placement refers to the primary placement of the handicapped child as determined by the Individualized Education Program.

TABLE 5—INSERVICE TRAINING FORM (1978-1979 SCHOOL YEAR)
NUMBER AND TYPES OF PERSONS TO RECEIVE INSERVICE TRAINING

AREA OF TRAINING	Regular Class Teachers	Special Class Teachers	Resource Room Teachers	Itinerant/Consulting Teachers	Home-Hospital Teachers	Physical Educators	Vocational Educators	Teacher Aides	Work-Study Coordinators	Recreational Therapists	Occupational Therapists	Speech Pathologists	Audiologists	Psychometrists/Educational Diagnosticians	Psychologists	School Social Workers	Parents of Handicapped Children	Surrogates	Volunteers	Hearing Officers	Supervisors	Administrators	Other Non-Instructional Staff
Diagnostic Procedures	80						30						100	10							5		
Instructional Procedures	2230	70	64					26						4	5	10				51	66	14	
Implementation of PL94-142	4560	445	5			160	30	50				20					250		40	110	380	110	
—Individual Education Programs	2008	467	12			130	30	10				20			4	4	8	250			116	140	82
—Least Restrictive Environment	2068	62	21			30	30	9				20			5	4	8	250			117	146	88
—Procedural Safeguards																				40	150	150	
—Use of Surrogates																					50	50	
—Priorities-Served-Unserved																							
—Non-Discriminatory Testing		100	100										100								100	100	
Other (Specify)																							
Handicapped Children	110	15						12						3	5	10					30	23	
Resources	350					60		35													30	40	
Inservice Training		5	10									3								2		4	

IX. PROTECTION IN EVALUATION PROCEDURES

A. POLICIES AND PROCEDURES

Policies and procedures from the FY 1978 plan concerning protection in evaluation procedures are incorporated in this FY 1979 plan and are presented below along with applicable OARs.

Oregon has developed OAR 581-15-072 (see following page) on evaluation procedures; it was the subject of hearings throughout the state from October 24, 1977 to November 2, 1977 and was approved by the State Board of Education at its regular meeting December 16, 1977.

The rule establishes the policy for Oregon to insure that testing and evaluation materials and procedures used for the purpose of evaluation and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory. The rule requires procedures and testing materials used for evaluating handicapped children to be in conformance with Section 612(5)(C) of PL 94-142. The Oregon procedures require that:

1. No single test shall be used as the sole criterion for placement.

2. A formal evaluation must occur prior to any action with respect to: (a) the initial placement or denial of placement of a handicapped child into a special education program, or (b) the transfer or denial of transfer of a child from a special education program to full-time regular class placement.

3. Evaluation materials are administered in the child's native language unless clearly not feasible.

4. Evaluation materials have been properly validated.

5. Evaluation materials adopted must have been recommended by their producer for a specific purpose, administered in conformance with the instructions provided by their producer, and administered by certified personnel.

6. Adopted evaluation materials must be tailored to assess specific areas of educational need, not merely those which are designed to provide a single general intelligence quotient.

7. Evaluation materials administered for a child with impaired sensory, manual or speaking skills must yield results which accurately reflect the child's aptitude or achievement level.

8. Data from sources other than achievement tests must be gathered and considered.

9. Interpretation of evaluation data and determination of a child's educational placement must be made by a team knowledgeable about the child, the meaning of the evaluation results, the placement options, and the personnel available to provide appropriate education and related services.

10. If evaluation data shows the child does not need instruction in a special setting, the child will not be placed outside the regular instructional setting.

11. Any changes in the child's special education placement will be based on: (a) the child's current individualized education program, (b) any other information relating to the child's current educational performance, and (c) existing formal evaluation data on the child which is not more than two (2) years old.

12. Reevaluation must include: (a) revision of the individualized education program periodically, but not less than annually; and (b) that a formal evaluation of the child, based on above procedure, is conducted at least every three years or whenever conditions warrant, as well as at the request of the child's parents or teachers.

B. Administrative Rules

The Oregon Administrative Rules adopted to protect evaluation procedures are presented below. Section numbers from the Federal Register, Part 121a., which are identified by the U.S. Bureau for the Education of the Handicapped as new requirements of this FY 1979 plan, are listed in the left margin for cross-reference.

Evaluation Required

581-15-071 Before any action is taken with respect to the initial placement of a handicapped child in a special education program, a full individual evaluation of the child's educational needs must be conducted in accordance with OAR 581-15-072.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Evaluation Procedures

581-15-072 School districts shall insure that:

(1) Procedures and tests and other evaluation materials used for evaluating handicapped children:

(a) Are selected and administered so as not to be racially or culturally discriminatory,

(b) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so,

(c) Have been validated for the specific purpose for which they are used and

(d) Are administered by trained personnel in conformance with the instructions provided by their producer.

(2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(3) Tests are selected and administered so as best to assure that, when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever factors the test purports to measure rather than reflecting the child's impaired skills, except where those skills are the factors which the test purports to measure;

121a.532(e)

121a.532(f)

(4) No single procedure is used as the sole criterion for determining an appropriate educational program for the child;

(5) The evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability;

(6) The child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities; and

(7) In evaluating a child suspected of having a specific learning disability:

(a) The multidisciplinary team for (5) above shall also include:

(A) The child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or for a child of less than school age, an individual qualified by appropriate teacher certification requirements to teach a child of his or her age; and

(B) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

(b) At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting; or in the case of a child less than school age or out of school, a team member shall oberve the child in an environment appropriate for a child of that age.

(c) The team shall prepare a written report of the results of the evaluation. The report must include a statement of:

(A) Whether the child has a specific learning disability;

(B) The basis for making the determination;

(C) The relevant behavior noted during the observation of the child;

(D) The relationship of that behavior to the child's academic functioning;

(E) The educationally relevant medical findings, if any;

(F) Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

(G) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(d) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77
Amended 6-19-78 by 1 EB 20-1978, Eff. 6-20-78

Interpretation and Placement

581-15-073 (1) In interpreting evaluation data and in making placement decisions, school districts shall:

121a.553(a)(1)

(a) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior.

121a.553(a)(2)

121a.553(a)(4)

121a.553(b)

(b) Insure that information obtained from all these sources is documented and carefully considered and

(c) Insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options.

(2) If a determination is made that a child is handicapped and needs special education and related services, an individualized education program must be developed for the child in accordance with OAR 581-15-068.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

C. PROCEDURES TO INSURE THAT EACH PUBLIC AGENCY IMPLEMENTS THE REQUIREMENTS FOR PROTECTION IN EVALUATION PROCEDURES

The Oregon Department of Education will monitor all agencies for compliance with the requirements for protection in evaluation procedures. The state's monitoring procedures are detailed in Chapter XVI of this plan.

X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

A. SCOPE OF SYSTEM

The primary means used by the State of Oregon for the development and implementation of the comprehensive system of personnel development is the Cooperative Personnel Planning Council for Educational Services to Handicapped Children. This statewide body represents providers and consumers of personnel training in special education. The council's charge is to plan programs and procedures for implementing that portion of PL 94-142 which requires the state to have a comprehensive system of personnel development to insure that all personnel engaged in the education of handicapped children are appropriately and adequately prepared and trained.

The council carries out this charge in accordance with the regulations of PL 94-142, reporting on a regular basis to the State Superintendent of Public Instruction.

The system established by the council addresses both preservice and inservice training, and includes a dissemination component.

At the present time, no changes in the state policies and procedures have been found necessary. An amendment to the state's minimum standards for public schools has been proposed, requiring each district to have a staff development plan. This amendment has not yet been acted upon by the State Board of Education.

The following means of participation are available to interested agencies, institutions and organizations:

1. Cooperative Personnel Planning Council representation. Major interests are represented by council members who are responsible for establishing and maintaining two-way communication with those persons whom they represent, and for communicating to the council the interests of these persons or groups.

2. Advisory Panel membership. Interested agencies, institutions, and organizations have been invited to nominate members to the council advisory panel. The panel meets several times each year at its own expense, receives detailed information on the council's proposed actions, provides direct communication between its member groups and the council, and is a source for recruitment of personnel to serve on council task forces.

3. Information Bulletin. An informal bulletin is distributed to approximately 900 persons about every six weeks. The bulletin's mailing list includes local education agency (LEA) superintendents and special education directors; faculties from institutions of higher education (IHEs); members of state advisory councils, committees, and commissions; presidents of related organizations; and many individual teachers, parents, and others. Each bulletin includes a response sheet which provides an opportunity to react to bulletin items and to provide information about various topics.

4. Meetings, conferences, forms. The staff development specialist actively seeks opportunities to participate in meetings of various kinds to explain the development of the personnel preparation system and to solicit input from meeting participants.

5. Participation in Council meetings. Council meetings are open and participation is encouraged. Agendas and minutes are sent to all persons on the mailing list.

In Oregon, responsibilities regarding personnel preparation for special education include the following:

1. State Education Agency. The Oregon Department of Education, as the State Education Agency, is responsible for coordinating the development of the state's personnel preparation system, including information, planning evaluation, and support subsystems. The SEA is also responsible for assisting local education agencies in implementing the personnel development system.

2 Teacher Standards and Practices Commission. The TSPC is responsible for establishing and enforcing standards for certification of teachers as well as for other school personnel.

3. Teacher training institutions.[1] The state's teacher training institutions, public and private, provide training programs which enable their graduates to meet the requirements for certification.

4. Other training institutions.[2] Other training institutions provide comparable training for nonteaching personnel.

5. Local education agencies. LEAs are responsible for providing education for children of school age who reside within the district. Districts are also responsible for implementing at the local level the state's comprehensive system of personnel development.

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[1]Teacher training institutions in Oregon include: Eastern Oregon State College, Lewis and Clark College, Linfield College, Oregon College of Education, Oregon State University, Pacific University, Portland State University, Southern Oregon State College, University of Oregon, University of Portland, George Fox College, Reed College and Willamette University.

[2]Other preservice training institutions in Oregon include: Oregon Institute of Technology, Southern Oregon State College, The University of Oregon Health Sciences Center, Dental School, Medical School, School of Nursing, Columbia Christian College, Concordia College, Judson Baptist College, Mt. Angel Seminary, Museum Art School, Northwest Christian College, Pacific University, Oregon Graduate Center, Warner Pacific College, Western Baptist College, Western Conservative Baptist Seminary, and the Oregon Division of Continuing Education.

B. INSERVICE TRAINING

In establishing the state's inservice training program, the council utilizes these methods of personnel needs assessment:

1. Local education agency staffing reports. Annual staffing reports from LEAs provide information on staff vacancies.

2. Personnel projections. LEAs provide information on personnel needed for implementation of the act.

3. Expert professional opinion. Approximately eighty persons from all parts of the state assembled in February 1978 to provide input on personnel needs.

4. Supplementary needs data. Other sources of information on training needs included:

   - a questionnaire mailed during the summer of 1977 followed by a telephone survey for further information.

   - a statewide forum held in connection with the Oregon Conference on Special Education.

   - areas in which training was required as identified by Oregon Department of Education specialists.

   - data from compliance monitoring.

   - training requests received by the Oregon Department of Education.

5. Ongoing personnel needs assessment. The council is establishing an ongoing procedure for assessing both personnel and training needs.

The Cooperative Personnel Planning Council has collected and analyzed the results of needs assessments which have been done already, and a permanent needs assessment procedure will be established during 1978-79.

To insure the availability of appropriate inservice training to all school personnel the following steps have been or will be taken:

1. Computerized inservice catalog. Grant funds will enable the Oregon Department of Education to establish a computerized catalog of inservice opportunities throughout the state and to make information from this catalog available to interested education personnel.

2. State inservice funds. Funds which the Oregon Department of Education (ODE) has allocated for inservice for PL 94-142 are distributed to support projects addressing statewide needs and which, in addition, utilize incentives, involve local staff, and make use of effective innovative educational practices.

3. ODE staff. Staff of the Oregon Department of Education are available for inservice to school districts on request.

4. Cadre training. A grant from the U.S. Bureau of Education for the Handicapped will enable the state to train a cadre of sixty persons in the skills necessary to plan and implement short-term training for local school district personnel. Each cadre member will, in turn, train seventy regular classroom teachers during the 1978-79 school year.

A summary of training needs indicates that the greatest training priority is for classroom teachers and other nonspecial education staff. The content areas for this target group training are listed below:

1. Diagnostic skills/individualized instruction techniques.

2. An understanding of content and implications of PL 94-142.

3. Behavior management skills.

4. An awareness of handicapped characteristics, psychology, and potential facilitated by hands-on experience.

5. Learning disabilities training skills.

6. Awareness of support resources: resource rooms, volunteer and aide utilization skills, personnel, and materials.

Training is also needed for school personnel who have specific responsibilities under the law (counselors, principals, and physical education teachers, for example), and persons who have particular roles (hearings officers and surrogate parents). The inservice plan which follows attempts to address these needs.

Table 5 (see page 57) summarizes the content area and target groups of inservice to be initiated by the Oregon Department of Education during 1978-79. In every training activity funded by the Department, recipients must include information on the incentives offered for participation, the involvement of local staff, and the use of innovative practices which have been found effective. Each project also specifies measurable objectives and the means by which attainment of those objectives is to be measured. Final payment on inservice contracts will not be made until evaluation information is available to the Oregon Department of Education. All training will be done during the 1978-79 school year and will be completed by June 1, 1979.

See Appendix F for charts detailing information about state-initiated inservice for 1978-79.

C. PERSONNEL DEVELOPMENT PLAN

As mentioned above, the structure established in Oregon for personnel planning is the Cooperative Personnel Planning Council. Membership

on this Council and its Advisory Panel has been selected to ensure full participation of preservice as well as inservice agencies. Council members are listed below. Expiration dates of their terms are shown in parentheses.

Gloria Bergquist, Independence (1981)
Teachers, Special Education

Meredith Brodsky, Salem (1979)
State-Operated Schools

Dennis Fahey, Monmouth (1979)
Higher Education, Special Education

Fay Haisley, Eugene (1980)
Higher Education, Teacher Preparation

Donald L. Hirtzel, Springfield (1980)
Teachers, Regular Education

William C. Jones, Eugene (1980)
Teacher Standards and Practices Commission

Zelda Langdale, Klamath Falls (1981)
Advocacy Groups

Patricia Lantz, Oregon City (1981)
Paraprofessional Training Agencies

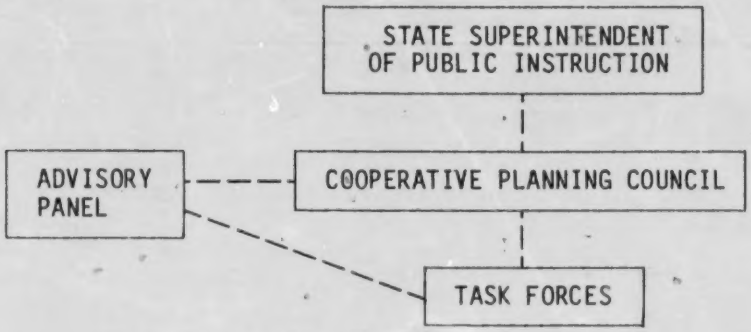
Barbara Mitchell, Salem (1981)
Oregon Educational Coordinating Commission

Gerald Smith, Portland (1979)
Higher Education, Support Services

Maurice Thorne, Crane (1980)
Local Education Agencies, Administration

Diane Warrick, Portland (1979)
Local Education Agencies, Special Education

A larger advisory panel, representing a broad range of organizations, institutions and agencies concerned with the education of handicapped chidren, works closely with the Cooperative Personnel Planning Council. The advisory panel is involved in council deliberations and also is a primary source for task force members. The organizational relationship is diagrammed below.



The personnel development specialist in the Special Education and Special Schools Division of the Oregon Department of Education serves as executive secretary to the planning council and is responsible for securing other necessary staff support.

The council's long-range goals are to:

- Collect, process and disseminate information on personnel preparation;
- Develop a comprehensive system of personnel preparation for all personnel engaged in the education of handicapped children;
- Evaluate the comprehensive personnel development system;
- Support, maintain and update the personnel development system.

In working toward the achievement of its goals, the council carries out the following functions:

1. Information

   - Initiate and maintain communication among providers and consumers of personnel preparation.
   - Collect, process and disseminate information on personnel preparation.
   - Disseminate research results and information on demonstration and similar projects.

2. Planning

- Develop statewide goals for personnel preparation.
- Involve all concerned parties in planning.
- Determine projected personnel needs.
- Set priorities for personnel preparation.
- Identify and develop resources.
- Prepare policies and procedures for the comprehensive system of personnel development.
- Provide for review and updating of the personnel development plan.

3. Evaluation

- Assess the degree to which the personnel preparation system meet personnel needs.
- Monitor the implementation of the personnel preparation system.
- Evaluate the procedures for the administration of the personnel preparation system.

4. Support

- Insure sufficient resources to continue the operation of the council.
- Serve as an advocate for the interests of personnel preparation before other agencies.
- Provide information about related documents.
- Promote the adoption of promising educational practices.
- Propose needed research.

The council has established task forces to outline proposed action in four areas: goals and priorities for personnel preparation, needs assessment, information needs, and inservice training.

New personnel needed have been included on Table 2C (see page 10). Content areas for preservice do not differ from those for inservice at this time. In Oregon, changes in preservice curriculum are made primarily as a response to changes in certification requirements, and no changes in certification requirements have been made to date.

Smaller teacher training institutions in the state, particularly those without special education departments, have begun negotiations to include special education as a part of the regular education curriculum. The ODE served as a intermediary.

While the development and implementation of the personnel preparation plan are under way, it should be pointed out that several plans are currently being proposed to establish a statewide continuing professional development system for Oregon educators. Until a plan is selected, the council needs to be flexible and adaptable to any one of a number of possible statewide systems. The council is therefore emphasizing the development of those components of the special education personnel development program which essentially can be compatible with any form which the statewide system finally takes.

Work is now being done on establishing information flow and needs assessment. Efforts will be made to identify existing training resources and to match those resources with identified needs. The council is also establishing priorities for the expenditure of the state education agency's (ODE) inservice funds, as well as a mechanism for distributing these funds. A third emphasis is on maintaining close liaison with those groups which are involved in proposals for a statewide inservice network.

D. DISSEMINATION

Dissemination activities are carried out primarily through present channels. These activities include awareness, training, and promotion of the use of significant information, as well as promising educational practices. Further, some of the activities, such as the information bulletin and the advisory panel, are initiated by the ODE. Other activities, such as literature searches and Know-Paks, are developed as responses to requests from the field.

The major dissemination activities include:

1. Cooperation with Oregon Department of Education Dissemination Center. Linkers from the Department's dissemination network are used to distribute information on education of handicapped children. The staff development specialist also assists the center in research inquiries received from the field.

2. Filmstrip loan service. Filmstrips related to PL 94-142 are made available on loan without cost to school districts and others.

3. Study group, special education dissemination network. Personnel development staff participate on a study group established by the State Superintendent of Public Instruction to study the feasibility and options for a special education dissemination network. It is anticipated that this network, if it is established, will also serve the interest of the personnel development system.

4. Information system specialist. A systems specialist is available on contract with the council. This individual has been charged with identifying the kinds of information needed by the council and the location of this data; determining the feasibility of collecting data not presently available; and developing and implementing a system of collecting, analyzing, and retrieving this information. The specialist has proposed and is now field testing a "Unified Program Planning" model for the information system. This model is multidimensional and can be used either manually or with computers.

5. Know-Paks. The personnel development program is utilizing the services of the Department's research specialist and regional resource center staff to develop information packets for distribution. These packets are compiled summaries of journal articles prepared in response to requests from the field.

6. Research service. A student intern has been assigned to suggest options for providing two-fold distribution of research information. The first component involves responding to research-related questions from the field; a second includes distribution of significant research results in an attractive, readable formats.

7. Computerized Inservice catalog. The catalog mentioned above is also a vehicle for dissemination.

8. Dissemination conference. The Oregon Department of Education co-sponsored a dissemination conference in the fall of 1978, together with the state facilitator. Fifteen successful national projects and four IV-C Oregon projects provided information on adoption; training and technical assistance was provided by the state facilitator.

9. National Dissemination Project. Arrangements have been made for the council to receive assistance from the Teacher Education/Special Education Project.

10. Information Bulletin. The Information Bulletin, previously mentioned, also is a means for dissemination.

11. Advisory Panel. As explained above, the advisory panel provides for dissemination of information to groups represented by Panel members.

E. ADOPTION OF EDUCATIONAL PRACTICES

The state's system for adopting promising educational practices includes the following components:

1. Awareness. Existing mechanisms (the linker network, the special education dissemination network, the Small Schools Conference, the Information Bulletin, etc.) are used to disseminate information on promising educational practices.

2. Identification of local promising practices. Two methods are used for identification of local promising practices. The first is information received from monitoring teams on local school districts. The second is information from persons who receive the Information Bulletin and who are requested periodically to identify persons in their local areas who have developed effective methods or techniques for working with handicapped children.

3. File of resource persons. The Oregon Department of Education maintains a file of resource persons who have been identified by the nominations mentioned above or by other means.

4. State facilitator. The dissemination conference, also mentioned above, will be followed by assistance from the state facilitator toward adoption.

F. EVALUATION

Evaluation of the effectiveness of the personnel development system will be accomplished as follows:

1. Meeting personnel needs. Results of the statewide personnel needs assessment in time will be used to determine the effectiveness of the system in meeting personnel needs. This long-range evaluation should show decreasing discrepancies between personnel needed and personnel available.

2. Administration of the system. All components of the system which are within the council's scope of responsibility will be evaluated in relation to the achievement of the objectives stated for each such component.

3. Third-party evaluation. As appropriate, objective evaluations will be sought for various activities and procedures.

Monitoring of the implementation of the personnel development system will be accomplished in the following ways:

1. LEA applications. Applications will be examined annually to determine whether the district's plans include appropriate activities for personnel development.

2. Compliance monitoring. Information received from the ODE's regular compliance monitoring visits will be used to evaluate the districts' implementation of the personnel development system.

3. Contract evaluation. Evaluation reports are required for every contract established; where the council funds projects by contract, these reports will also be used to evaluate implementation.

G. TECHNICAL ASSISTANCE

The Oregon Department of Education provides technical assistance in personnel development in the following ways:

1. Planning assistance. Staff from the ODE are available to assist local school districts in planning, goal-setting, determining objectives, and evaluating training programs.

2. Interpretation of monitoring information. If an LEA is found to be in noncompliance, ODE staff will assist the district in planning and delivering appropriate training.

3. Identification of resources. The staff development specialist maintains a resource file mentioned above.

4. Response to LEA requests. The ODE staff are available on request from school districts for technical assistance.

TRAINING INITIATED BY THE OREGON DEPARTMENT OF EDUCATION, 1978-79

Type of Personnel	Content	Training Agency	Timeline	Funding Source
Regular Class Teachers (11406)	Diagnostic Procedures Instructional Procedures Implementation of PL 94-142 Individual Education Program	A, B. C, D, E, F, G, J, K L	Sept. 1978- June 1979	State General Federal (VI-B) Federal (VI-D) Local Education Agency Other Federal
Special Class Teachers (1164)	Instructional Procedures Implementation of PL 94-142 Individual Education Program Least Restrictive Environment Handicapped Children Nondiscriminatory Testing Inservice Training	A, B, C, F, J, K L	Sept. 1978- June 1979	State General Federal (VI-B) Federal (VI-D) Local Education Agency Other Federal
Special Class Teachers (212)	Instructional Procedures Implementation of PL 94-142 Individual Education Program Least Restrictive Environment Handicapped Children Nondiscriminatory Testing Inservice Training	A, B, C, E, J, L	Sept. 1978- June 1979	State General Federal (VI-B) Federal (VI-D) Local Education Agency Other Federal
Physical Educators (380)	Implementation of PL 94-142 Resources Instructional Procedures	D, H, J	Sept. 1978- June 1979	Federal (VI-B) Local Education Agency
Vocational Educators (120)	Diagnostic Procedures Instructional Procedures Implementation of PL 94-142 Individual Education Program Least Restrictive Environment	L	Sept. 1978- June 1979	State General Federal (VI-B) Other Federal

Type of Personnel	Content	Training Agency	Timeline	Funding Source
Teachers Aides (142)	Instructional Procedures Implementation of PL 94-142 Resources Least Restrictive Environment	B, D, E, K, L	Sept. 1978-June 1979	State General Federal (VI-B) Other Federal Local Education Agency
Speech Pathologists (63)	Instructional Procedure Implementation of PL 94-142 Individual Education Program Least Restrictive Environment Inservice Training	A, L	Sept. 1978-June 1979	State General Federal (VI-B) Federal (VI-D) Other Federal Local Education Agency
Diagnosticians (200)	Diagnostic Procedures Implementation of PL 94-142 Individual Education Program Least Restrictive Environment Nondiscriminatory Testing	L	Sept. 1978-June 1979	State General Other Federal
Psychologists (26)	Instructional Procedures Least Restrictive Environment Individual Education Program Handicapped Children	E, J, K	Sept. 1978-June 1979	Federal (VI-B) Local Education Agency
School Social Workers (18)	Individual Education Program Instruction Procedures Least Restrictive Environment	J, K	Sept. 1978-June 1979	Federal (VI-B) Local Education Agency
Parents (36)	Individual Education Program Instructional Procedures Least Restrictive Environment	J, K	Sept. 1978-June 1979	Federal (VI-B) Local Education Agency
Surrogates (750)	Implementation of PL 94-142 Individual Education Program Least Restrictive Environment	L	Sept. 1978-June 1979	Federal (VI-B)

Type of Personnel	Content	Training Agency	Timeline	Funding Source
Supervisors (696)	Instructional Procedures Implementation of PL 94-142 Individual Education Programs Least Restrictive Environment Procedural Safeguards Nondiscriminatory Testing Inservice Training	A, B, C E, J, L	Sept. 1978- June 1979	State General Federal (VI-B) Federal (VI-D) Other Federal Local Education Agency
Hearing Officers (80)	Implementation of PL 94-142 Procedural Safeguards	L	Sept. 1978- June 1979	State Federal (VI-B)
Administrators (1097)	Diagnostic Procedures Instructional Procedural Individual Education Program Least Restrictive Environment Procedural Safeguards Nondiscriminatory Testing Resources Handicapped Children	B, C, D, E, F, G, I, K, L	Sept. 1978- June 1979	State General Federal (VI-B) Other Federal Local Education Agency
Other Non-Instructional (366)	Instructional Procedures Implementation of PL 94-142 Individual Education Program Least Restrictive Environment	A, D, E, H, K, L	Sept. 1978- June 1979	State General Federal (VI-B) Federal (VI-D) Other Federal Local Education Agency

NOTE: The numbers of personnel to be trained do not represent unduplicated counts. Rather, each number represents a training slot for a person in that personnel category.

XI. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

A. POLICIES AND PROCEDURES

Policies and procedures in Oregon's FY 1978 plan concerning the participation of private school children are incorporated in this FY 1979 plan and presented below.

It is state policy that to the extent consistent with the number and location of handicapped children in the state who are enrolled in private elementary and secondary schools, provision is made for participation of those children in the programs assisted or carried out under PL 94-142 by providing for those children's special education and related services.

1. The numbers and types of private school children who are handicapped are determined during the state's biannual handicapped child census. Private school personnel who are knowledgeable of handicapping conditions among the children who attend their school will complete handicapped child census data.

2. Public school personnel and services will be made available to nonpublic school children on other than the nonpublic school site and only to the extent necessary to provide the special education and related services. Further, these services will be made available only when required personnel are not provided at the private school. The provision of personnel and services will be made to the extent consistent with the number and location of handicapped children who are enrolled in private schools.

3. Each state and local agency providing special education and related services to children enrolled in private schools will maintain administrative control and direction over those services.

4. PL 94-142 funds used to support the education of handicapped children in private schools will not include the payment of salaries of private school personnel except for services performed outside their hours of duty and under public supervision and control, nor must the services include the use of equipment purchased with PL 94-142 funds on private school premises, or the construction of private school facilities.

5. Programs and projects to be carried out in public facilities, and involving joint participation by handicapped children enrolled in private programs and public schools, will not include classes that are separated on the basis of where the child is enrolled or the child's religious affiliation.

6. Determining the types and number of nonpublic children who will participate in special education programs and the types of services provided shall be made on a basis comparable to procedures used in providing for the participation of handicapped children in public schools after consultation with persons knowledgeable as to the children's needs.

To implement the policy of participation of nonpublic school children who are handicapped, the state has asked all private and parochial schools to provide data for the state's biannual handicapped child census. Each local educational agency is given a computer printout of reported handicapped children living within the jurisdiction of the LEA who have been identified and located by the nonpublic school.

The LEA application for PL 94-142 flow-through funds requires LEAs to confer with nonpublic school officials who are knowledgeable about the needs of handicapped children enrolled in the nonpublic schools but living within the jurisdiction of the local school district. Projects shall be developed so as to include nonpublic handicapped children who are in need of special educational services. Local school districts shall report on the numbers and types of nonpublic school handicapped children and the means by which special education and related services will be provided on a comparable basis with handicapped children in the public school.

Monitoring of the policy for the participation of private school children shall be accomplished during on-site monitoring visits. Principals of nonpublic schools will be interviewed during these monitoring visits to obtain their views on the extent and appropriateness of special education and related services being provided. All applications from LEAs for PL 94-142 flow-through funds will be approved only when the LEA provides information and assurances regarding the participation of nonpublic school children. All the monitoring procedures outlined in Chapter XVI of this plan shall be employed.

121a.452

School District Responsibility for Children in Private Schools

581-15-166 (1) School districts shall make available special education designed to meet the needs of resident handicapped children in private schools. Such special education shall not be provided in the private school.

(2) School districts shall provide such children with genuine opportunities to participate in special education consistent with the number of children and their needs.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

121a.452

Determination of Needs; Number of Children and Types of Service

581-15-171 The needs of handicapped children in private schools, the number of them who will participate pursuant to Public Law 94-142 and the types of special education which the school district will provide for them shall be determined after consultation with persons knowledgeable of the needs of these children on a basis comparable to that used for handicapped children enrolled in public school.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

121a.454

Service Arrangements

581-15-176 Services to handicapped children in private schools may be provided through such arrangements as dual

enrollment, educational radio and television, and the provision of mobile educational services and equipment.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Differences in Services to Handicapped Children in Private Schools

121a.455

581-15-181 School districts may provide special education to a handicapped child who is enrolled in a private school which is different from the special education provided to public school children if:

(1) The differences are necessary to meet the special needs of the handicapped child enrolled in the private school, and

(2) The special education is comparable in quality, scope and opportunity for participation to that provided to public school children with similar needs.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Equipment

121a.457

581-15-186 (1) Equipment acquired with funds under Part B of the Education of the Handicapped Act as amended by Section 5 of Public Law 94-142 may be placed on private school premises for a limited period of time, but the title to and administrative control over all such equipment shall be retained and exercised by a public agency.

(2) In exercising administrative control, the public agency shall keep records of and account for the equipment, shall insure that the equipment is used solely for the purposes of the program or project for which it was placed, and shall remove the equipment from the private school premises if necessary to avoid its being used for other purposes, or if it is no longer needed for the purposes of the program or project.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Prohibition of Segregation

121a.458

581-15-191 Programs or projects provided in public facilities which include both handicapped children enrolled in private schools and handicapped children enrolled in public schools may not include classes that are separate on the basis of school enrollments or the religious affiliations of the children.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Funds and Property Not to Benefit Private Schools

121a.459

581-15-196 Funds derived from Part B of the Education of the Handicapped Act as amended by Section 5 of Public Law 94-142 and property derived from those funds may not inure to the benefit of any private school.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Existing Level of Instruction

121a.460

581-15-201 School district provisions for serving private school handicapped children may not include the financing of any private school instruction.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

C. STATE PROCEDURES TO INSURE THAT THE PARTICIPATION OF PRIVATE SCHOOL CHILDREN IS PROVIDED AS REQUIRED BY PL 94-142 AND OARs 581-15-166, 171, 176, AND 181

The Oregon Department of Education will insure compliance with the provisions of PL 94-142 and Oregon Administrative Rules dealing with the participation of private school children as follows:

1. Each applicant for PL 94-142 flow-through funds is required to submit a resolution by the applicant's Board of Directors which states, (a) "The applicant will determine which handicapped children resident of the district are, and which are not, currently receiving special education and related services and assure that procedures are developed to identify, locate, and evaluate resident handicapped children"; (b) "That the district will provide resident handicapped children an individualized education program and will provide all services in the child's IEP by September 1, 1978"; and (c) "To the extent consistent with the number and location of handicapped children in the area served by the district who are enrolled in nonpublic elementary and secondary schools, provision has been made for participation by such children in programs and projects."

2. The Oregon Department of Education will monitor public school districts to insure that the requirements of CRF 121a.452(a), 452(b), 454, 455, and 456(a) are being met. The state's monitoring procedures are detailed in Chapter XVI of this plan.

3. Each applicant for PL 94-142 flow-through funds must file an application for these funds and give certain assurances and procedures. Among these is the participation of non-public school handicapped children. Applicants must describe and answer the following:

   "Describe the provision made for the participation in this project of handicapped children enrolled in private and non-public schools. Were representatives of non-public school children invited to participate in the planning of this project?"

XII. PLACEMENT IN PRIVATE SCHOOLS

A. POLICIES AND PROCEDURES

Policies and procedures in Oregon's FY 1978 plan concerning public agency placement of handicapped children in private schools are incorporated in this FY 1979 plan and presented below.

It is state policy that handicapped children in private schools and facilities will be provided special education and related services in conformance with an individualized education program. Special education will be provided at no cost to the parents or

guardian if such children are placed in or referred to such schools or facilities by the state or appropriate local education agency as a means of carrying out the requirements of any applicable law requiring the provision of special education and related services to all handicapped children within the state. In all such instances, the Oregon Department of Education shall determine whether such schools and facilities meet standards that apply to state and local education agencies and whether children so served have all the rights they would have if served by public agencies.

1. When a handicapped child is offered a free appropriate public education in a public education agency that is readily accessible to the child's home community and the parents waive that opportunity in favor of private school placement, the parents shall assume full financial responsibility for the child's education.

2. If parents contend that they have been forced, at their own expense, to seek private schooling for children because an appropriate program does not exist, and the responsible agency disagrees, that disagreement and the question of who remains financially responsible is a matter to which the due process procedures apply.

3. Whenever handicapped children are placed in private schools or facilities by public education agencies, the agency responsible shall take steps to assure that the children have all the rights they would have if educated in a public school.

4. All private schools will receive a copy of state standards and revisions as they are adopted.

5. Private schools are provided the opportunity to participate in the development and revision of standards relating to special education by making their views known at public hearings on special education standards. All State Board of Education meetings at which standards are adopted are public meetings and any comments from the private school sector or others regarding the standards shall be heard.

The state policy on the placement of handicapped children in private schools shall be monitored by a complete review and follow-up on any complaints received regarding noncompliance with the policy. During on-site monitoring visits LEAs shall be asked to provide information on the agency's placement of handicapped children in private schools and a follow-up shall be made regarding compliance with this state policy.

121a.401

Private Educational Agencies; Approval of Special Education Programs

581-15-126 (1) Private educational agencies furnishing special education to handicapped children pursuant to a contract with a public agency shall have on file with the Oregon Department of Education a plan approved under 581-15-131 for the special education programs.

(2) The plan shall:

(a) Describe the population to be served,

(b) Describe the instructional services to be provided,

(c) Include a staff roster indicating name, instructional qualification specified under 581-15-131(3) where appropriate, and assignment of all special education personnel employed by the private educational agency,

(d) Describe facilities, equipment and materials to be furnished and utilized,

(e) Document compliance with state and local health, fire and safety standards, and

(f) Meet the minimum standards of OAR 581-15-131.

(3) The Department shall appraise the plan and site facilities:

(a) Upon initial application for approval, and

(b) At the expiration of the second reapproval under paragraph (4) or when major program changes occur.

(4) Upon completing its appraisal for initial approval, the Department shall advise the private educational agency whether the plan is approved or disapproved. Approval shall be for the period from the effective date of the approval to the next 15th day of August or, if such period is less than three months, to the 15th day of August of the following year. Reapproval for a second or third period of one year may be made upon submission to the Department by the private educational agency of a satisfactory annual report which shall indicate all modifications of the approved plan.

(5) Before implementing any major program change which is inconsistent with the plan approved under subsection (3) or (4), the private educational agency shall file an amendment to the plan with the Department of Education. The proposed amendment shall specify the nature of the change, the number of children affected and any other information required by the Department. The Department shall inform the agency whether the amendment is approved or disapproved. If the private educational agency fails to submit an amendment prior to implementing a major program change or implements the proposed major program change after the amendment is disapproved the Department may rescind the plan approval granted under subsection (4).

(6) As used in this subsection, "major program change" includes change of location of the educational program, administrative organization, qualifications of instructional personnel, instructional services provided, population to be served and any other changes which significantly affect the program offered.

Statutory Authority: ORS 343.055

Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

121a.401

Minimum Standards for Private Educational Agency Special Education Programs

581-15-131 To be approved, a plan for a special education program in a private educational agency shall provide that:

(1) The instructional program consists of an individualized education program developed for each handicapped child under OAR 581-15-064 through 581-15-069, 581-15-146 and 581-15-151.

(2) Confidentiality of student records for each handicapped child is maintained under OAR 581-15-055.

(3) The instructional staff in the special education program:

(a) Is certificated in accordance with the rules established by the Teacher Standards and Practices Commission to provide special education appropriate to the types of children they will serve, or

(b) Holds a current valid teacher's certificate from another state equivalent to that issued under paragraph (a), or

(c) Possesses a current valid certificate from the American Speech and Hearing Association, Council of Education for the Deaf or other national professional organization approved by the State Superintendent, appropriate to their teaching assignment, or

(d) Is supervised by a teacher training or educational research program of the State System of Higher Education.

(4) The length of the educational program is comparable to the length of the regular school day, regular school week and regular school year provided by public schools for children of similar age and handicap.

(5) Equipment and materials are provided under OAR 581-15-043.

(6) Facilities for special education are provided under OAR 581-15-041.

(7) Transportation provided for handicapped children meets the requirements of OAR 581-22-292 through 581-22-296.

(8) The governing body of the private educational agency has adopted:

(a) Procedures for informing the school district with whom the private educational agency has contracted of all verbal or written complaints received by the private educational agency concerning the educational services provided the handicapped child; and

(b) Procedures for informing the school district of any changes in the child's educational program which vary from the child's individualized education program. The private educational agency need not inform the school district of changes in the child's short-term instructional objectives.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

Rights of Children in Private Educational Agencies

121a.401

581-15-136 A school district placing a handicapped child in or referring such a child to a private educational agency shall insure that the child receives the same rights and protections as are required for handicapped children in public schools and their parents under OAR 581-15-039 and 581-15-059 through 581-15-098.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

(11-1-78)

Contracting by School Districts with Private Educational Agencies

121a.401

581-15-141 (1) Subject to approval of the State Superintendent of Public Instruction, the district school board of any school district in which there are children under 21 years of age who require special education may, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible students, contract with

private educational agencies which have filed approved plans for special education programs with the Oregon Department of Education pursuant to OAR 581-15-126.

(2) Districts proposing to place a handicapped student or an individual who is pregnant in a private educational agency shall insure that:

(a) The student is enrolled as a resident student of the school district, and

(b) The student is eligible to receive special education under OAR 581-15-051.

(3) A school district contracting with a private educational agency under subsection (1) shall insure that either transportation or room and board is provided under 581-15-030.

(4) The placement shall be in accordance with OAR 581-15-059.

Statutory Authority: ORS 343.221(4)
Hist: Filed 10-5-78 as 1 EB 40-1978, Eff. 10-5-78

121a.401

Private Educational Agencies; Individualized Education Program

581-15-146 (1) Before a school district places a handicapped child in or refers such a child to a private educational agency, the school district shall initiate and conduct a meeting to develop an individualized education program for the child under OAR 581-15-065.

(2) The school district shall insure that a representative of the private educational agency attends the meeting. If the representative cannot attend, the school district shall use other methods to insure participation by the private educational agency, including individual or conference telephone calls.

(3) The school district shall develop an individualized education program for each handicapped child who was placed in a private educational agency by a public agency prior to the effective date of this rule.

(4) After a handicapped child enters a private educational agency, any meetings to review and revise the child's individualized education program may be initiated and conducted by the private educational agency at the discretion of the school district.

(5) If the private educational agency initiates and conducts such meetings, the school district shall insure that the parents and an appropriate school district representative:

(a) Are involved in any decision about the child's individualized education program, and

(b) Agree to any proposed changes in the program before those changes are implemented.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

121a.401

Private Schools; Individualized Education Program

581-15-151 If a handicapped child is enrolled in a private school the child may receive special education from a school district. Before the special education is provided, the district shall:

(1) Initiate and conduct meetings to develop, review and revise an individualized education program for the child in accordance with OAR 581-15-065, and

(2) Insure that a representative of the private school facility has an opportunity to attend each meeting. If the representative cannot attend, the district shall use other methods to insure participation by the private school, including individual or conference telephone calls.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

121a.403

Placement by Parents of Children in Private Schools

581-15-156 (1) If a handicapped child has available a free appropriate public education and the parents choose to place the child in a private school, the school district is not required to pay for the child's education at the private school. The school district shall, however, make services available to the child as provided in OAR 581-15-166 through 581-15-201.

(2) Disagreements between a parent and the school district regarding the availability from the school district of a program appropriate for the child and the question of financial responsibility are subject to procedures under OAR 581-15-076 through 581-15-098.

Statutory Authority: ORS 343.055
Hist: Filed 7-20-78 as 1 EB 28-1978, Eff. 7-20-78

XIII. RECOVERY OF FUNDS FOR MISCLASSIFIED CHILDREN

Policies and procedures in Oregon's FY 1978 plan concerning the recovery of funds for misclassified children are incorporated in this FY 1979 plan and presented below.

It is state policy that funds made available under PL 94-142 for service to any child who is determined to be erroneously classified as eligible to be counted will be recovered by the Oregon Department of Education.

Handicapped children receiving special education and related services are counted for the purpose of generating funds for a local school district. If it is determined that one or more children are erroneously classified and counted and the local school district receives funds based on such a count, the Oregon Department of Education will recover those funds.

The means of recovery of the funds will be to reduce that local school district's entitlement in a subsequent year in direct proportion to the numbers of children erroneously classified as eligible to be counted.

XIV. HEARING ON LEA APPLICATIONS

Policies and procedures in Oregon's FY 1978 plan concerning the hearings on LEA applications are incorporated in this FY 1979 plan and presented below.

Final action with respect to any application for PL 94-142 flow-through funds submitted by a local school district or an education service district will not be taken without first affording the district involved reasonable notice and an opportunity for a hearing.

The procedure will be for staff of the Special Education Division of the Oregon Department of Education to review local school district applications and then work cooperatively with involved district personnel to make any necessary corrections. In the event a school district or education service district disagrees with requests to bring the application into compliance with PL 94-142, an opportunity for a hearing will be provided.

XV. ANNUAL EVALUATION

Policies and procedures in Oregon's FY 1978 plan concerning annual evaluations are incorporated in this FY 1979 plan and presented below.

At least annually, the effectivenes of programs in operation for meeting the educational needs of handicapped children will be evaluated according to criteria that the U.S. Commissioner shall prescribe. Annual reports shall be obtained from project directors utilizing PL 94-142 funds. The reports shall describe (but not be limited to):

1. The extent to which all handicapped children are located, evaluated and placed in special education programs.

2. The success of placing handicapped children in the least restrictive environment for educational purposes.

3. The extent that full educational opportunities are being provided within established timelines.

4. The effect of the priority system in the provision of service to handicapped children.

5. The results of procedural safeguards established for parents and their handicapped children.

6. The progress being made in the comprehensive system of personnel development.

7. The extent of participation of children in private and other nonpublic schools.

8. The evaluation of individualized educational programs for each handicapped child.

Each handicapped child's individualized education program (IEP) will be evaluated at least annually. The evaluation should:

1. Establish whether or not the child is progressing as specified in the long-term objectives of the IEP.

2. Establish whether or not the child is approaching a point of transfer to another program.

3. Establish and plan what adjustments might be necessary if the plan does not seem appropriate.

Procedures for evaluating the individualized program based on this stated purpose:

1. The teacher will develop a procedure for monitoring the progress of the child considering the activities, criteria and expected completion dates as stated in the IEP.

2. A review conference will be conducted at least annually. In attendance at that conference will be at least the team that developed the IEP.

3. Using the individualized education program of the child, the team will review:

   (a) Whether the activities have been completed on the established criteria.

   (b) If the long-term objectives need restating.

(c) If the short-term objectives need revision because the objectives have been met or new long-term objectives have been developed.

(d) If any other services such as testing and physical therapy are required.

4. Within thirty days, or prior to the start of the next school year, a new individualized education program will be developed.

XVI. ADDITIONAL REQUIREMENTS

A. RESPONSIBILITY OF ODE FOR ALL EDUCATIONAL PROGRAMS

Oregon's Revised Statute 343.041 provides assurance that all educational programs within the state are to be supervised by the State Superintendent of Public Instruction. The Statute follows:

> **343.041 Educational programs for handicapped children to be supervised by Superintendent of Public Instruction.** (1) The Superintendent of Public Instruction shall be responsible for the general supervision of all educational programs for handicapped children within the state, including all such programs administered by any state agency or common or union high school district or education service district.
>
> (2) All educational programs for handicapped children within this state shall meet the standards and criteria established therefor by the State Board of Education.
>
> (3) The Governor shall direct that agencies affected by this section shall enter into cooperative agreements to achieve necessary uniformity in meeting the standards and criteria established by the state board under subsection (2) of this section.
> [1977 c.528 §3]

As directed in the above-cited statute, the Governor issued Executive Order Number EO-77-22 on October 28, 1977. A copy of that order directing the development of interagency agreements may be found on page 65 of Oregon's FY 1978 plan and is made a part of this FY 1979 plan by reference.

Three interagency agreements for the general supervision of all educational programs for handicapped children to be under the State Superintendent of Public Instruction were developed as a result of the Governor's order. Copies of the interagency agreements with Mental Health, Children's Services, and the Vocational Rehabilitation Divisions are on pages 67-72 of Oregon's FY 1978 plan are made a part of this FY 1979 plan by reference.

B. MONITORING PROCEDURES

The Oregon Department of Education monitors and evaluates activities statewide to insure that all public agencies are in compliance with the requirements of PL 94-142. Procedures include: collecting assurances and reports, conducting on-site visits, auditing federal fund utilization, and comparing individualized education programs with the programs provided. Data, reports, and assurances are collected annually from each participant in the program. On-site visits shall be conducted a minimum of once every three years to each public agency involved in the education of handicapped children.

Assurances required of public agencies prior to participation in the program to insure compliance with the requirements of PL 94-142 include that:

1. An educational goal is established to make available a free appropriate public education for all handicapped children within the participant's jurisdiction and within required timelines.

2. The control of federal funds and property derived therefrom will be in a public agency for uses and purposes provided in Part B, PL 94-142.

3. Within the jurisdiction of the agency, expenditure of state and local funds for program areas receiving federal funds under Part B of the Act will be comparable to like program areas of the agency that are not receiving Part B funds.

4. Records will be maintained which show that Part B funds are used only for the excess costs of special education and related services for handicapped children, and that in no instance will Part B funds be used to supplant state or local funds.

5. The agency will use the funds received under Part B of the Act according to established priorities.

6. The agency establishes procedures to insure that all handicapped children within their jurisdiction are identified, located and evaluated.

7. The agency provides handicapped children an individualized education program, and services in each child's IEP by September 1, 1978.

8. The agency will comply with the laws relating to the confidentiality of personally identifiable information.

9. The agency will furnish information as may be necessary to enable the Oregon Department of Education to perform its duties under Part B of the Act.

10. The agency will make available to parents and the general public the application for Part B funds and all related documents including evaluations and reports.

11. The agency will use procedural safeguards which meet the requirements of sections 121a.400 through 121a.414, Title 45 of the Code of Federal Regulations.

12. Provision will be made for the participation of children enrolled in nonpublic elementary and secondary schools.

13. The agency will comply with all laws and regulations regarding nondiscrimination, health and safety, and the protection of human subjects.

Data collected from public agencies for the participation in Part B, PL 94-142 activity include:

1. A biannual handicapped child census which provides information on the number of handicapped children, by age and handicapping condition, who are served or unserved, and other information.

2. The number of handicapped children, by age and handicapping condition, who are participating in projects supported with Part B funds.

3. The number and type of personnel employed by the agency for the provision of special education and related services, and the number and type of personnel it projects as a need in order to provide full service.

4. The number of handicapped children, by age and handicapping condition, who are receiving full service or who are first or second priority children.

5. The placement of handicapped children in various educational environments ranging from the least restrictive to the most restrictive.

6. Financial accounting reports on a quarterly and annual basis.

On-site visits are conducted to monitor the degree of compliance with the requirements of PL 94-142. The Oregon Department of Education selects those agencies to be monitored during the year and provides a workshop for the agencies to discuss all the compliance elements that will be reviewed on-site. Each workshop participant is given the dates of the review, a copy of all written instruments that will be used, the names of the monitoring team members, and the entire review procedure.

Administrators are asked to provide a list of handicapped children being served by the agency they represent. From this list the review team selects a random sample of students for "file review" on-site.

Those scheduled for an on-site review are also asked to have available at the time of the on-site visit copies of their policies and procedures, and documentation that these are being implemented.

Data collection forms used during the review are the Program Review Summary, Assessment and Eligibility Checklist, and IEP Development and Placement Checklist. The Program Review Summary is used for reviewing district policies and procedures. Data from the review of individual student files is collected on the checklists. Summary data from the checklists can be included in the Program Review Summary. The Program Review Summary organizes 33 requirements of the law into eight substantive areas. These areas are: 1) free appropriate public education, 2) individualized education program, 3) placement, 4) confidentiality of information, 5) procedural safeguards, 6) protection in evaluation procedures, 7) determination of eligibility, and 8) private schools.

During the on-site visit. The on-site team conducts an entrance orientation meeting with the agency personnel involved in monitoring visits. At the orientation meeting an overview of the program review objectives and procedures is provided. The program review team examines the agency's documentation of its policies and procedures, reviews individual student records and when necessary, conducts parent or staff interviews. Upon completion of the on-site tasks, the review team conducts an exit report with appropriate agency personnel. The purpose of the exit report is to provide general information regarding the review and to receive any needed additional information.

After the on-site visit. Approximately three weeks after completion of the on-site review, the review findings are submitted to the agency. The report details the components of the review and presents findings as to compliance and noncompliance. If an agency if found in full compliance, it is notified and a copy of the report of the findings is maintained on file at the Oregon Department of Education.

If the agency disagrees with findings of noncompliance, it sends a letter to the State Superintendent of Public Instruction within 60 days specifying the reasons for disagreement. Upon resolution of disagreements, the agency submits a written plan of correction to the State Superintendent within 90 days. If a plan of correction is accepted, the agency is notified and follow-up visits are planned to determine progress toward correcting deficiencies.

C. COMPLAINT PROCEDURES

The Oregon Department of Education is adopting the following complaint procedure for reviewing, investigating and acting on any allegations of substance, which may be made by public agencies, private individuals or organizations, of actions taken by any public agency that are contrary to the requirements of PL 94-142.

Procedures for Complaints to the Oregon Department of Education

As used in this section, "complaint" means a signed written allegation of substance submitted to the State Superintendent of Public Instruction by any person, public agency or other organization which alleges a specific act by a district in violation of Oregon Administrative Rules 581-15-055 to 581-15-201.

Within 45 days of the receipt of a complaint, the State Superintendent of Public Instruction shall investigate the allegations and attempt to resolve the dispute. If the complaint is against the Oregon Department of Education, the Attorney General shall investigate the allegations in the complaint. The State Superintendent of Public Instruction shall send a copy of the complaint to the district against which the complaint is filed.

If the attempt to resolve the complaint under subsection (2) fails, and the State Superintendent of Public Instruction believes the allegations in the complaint to be substantially accurate, the State Superintendent shall, within 60 days from the receipt of the complaint, appoint an impartial hearings officer under OAR 581-15-096 to conduct a hearing under ORS Chapter 183. The Oregon Department of Education and the district against which the complaint is filed shall be adverse parties in the action. If the complaint is against the Department, the Attorney General and the Department shall be adverse parties. The hearings officer shall submit to the State Superintendent of Public Instruction recommended findings of fact and conclusions of law. The State Superintendent shall issue a final decision not more than 20 days after the date of the hearing.

If the State Superintendent of Public Instruction finds that the district violated any of the Oregon Administrative Rules 581-15-005 to 581-15-201, the State Superintendent may impose any sanction authorized by law.

D. POLICIES AND PROCEDURES FOR THE USE OF PART B FUNDS

The policy and procedures for the use of Part B funds in Oregon are provided below. The sections of the Education for All Handicapped Childrens Act which requires these state policies and procedures are located in the left margin for cross-reference.

Section of the Act

121a.611(b) In 1977-78 Oregon received $2,343,180 of PL 94-142 funds based on the number of children aged 3 to 21 inclusive within the state (except children being served under PL 89-313) who were receiving special education and related service. Fifty percent of the total funds received were made available to local school districts.

121a.611(d) These funds were provided to each local school district in a ratio of the number of handicapped children served by the local district compared to the total number served in the state as a whole.

Fifty percent of the funds were retained by Oregon and used for administration ($200,000), and support services ($971,590). All PL 94-142 funds and all state and local funds for handicapped children were used to make available a free appropriate public education for all handicapped children within the established priorities and not later than September 1, 1978.

121a.611(c) For 1978-79 it is estimated that Oregon will receive $4,726,935 of PL 94-142 funds. Seventy-five percent of these FY 1979 funds ($3,545,201) will flow through to local school districts on the same basis as that described for 1977-78 above. Twenty-five percent will be retained by the state for administration ($236,347), and support services ($945,387). Both the local school district share and the state share of these federal funds, as well as state and local funds for the education of handicapped children, will be used to make available a free appropriate public education for all handicapped children within established priorities and not later than September 1, 1978. See Chapter XVII of this Plan for a description of each support service which the Oregon Department of Education will provide during the next school year.

121a.612(2) Other state policies and procedures for the use of Part B funds as required by PL 94-142 have been provided in other parts of this FY 1979 Annual Program Plan Amendment and annual plans for prior years which are made a part of this plan by reference.

121a.612(3) The State of Oregon has established priorities for providing a free appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education. (See Chapter IV) Oregon is also making adequate progress in meeting its timetable for full service. The biannual handicapped child census showed a total of 26,951 handicapped children served on October 1, 1977. The number served increased to 38,016 by February 1, 1978. The February 1, 1978 census also showed an increase of 12,534 individualized education programs that had been developed between October 1, 1977 and February 1, 1978. The goal of full service in Oregon was within reach by September 1, 1978.

E. NONDISCRIMINATION AND EMPLOYMENT OF HANDICAPPED INDIVIDUALS

The Oregon Department of Education has filed an assurance of nondiscrimination and employment of handicapped individuals with the Department of Health, Education and Welfare, Office of Civil Rights. That assurance is incorporated in this FY 1979 plan by reference.

F. DIRECT SERVICES BY THE OREGON DEPARTMENT OF EDUCATION

The Oregon Department of Education provides direct services to handicapped children in Oregon State School for the Blind and the Oregon State School for th Deaf. The educational programs in these two schools is provided in full compliance with the requirements of PL 94-142 although funds under PL 94-142 are not awarded to either school. The Oregon Department of Education provides the following procedures to assure compliance with PL 94-142.

121a.126 In meeting the goal of providing full educational opportunity to all handicapped children, the Department makes provisions for the participation of parents and consultation with parents of handicapped children it serves. The schools have "Parent Days," consult with parents individually a minimum of twice a year, and involve parents in the development of IEPs.

121a.127(a) Both schools provide special services for handicapped children and their parents to enable them to participate in the regular school programs of the Salem Public Schools. These special services take the form of special liaison personnel to bridge the gap between the state school and the public school, special transportation when required, and special agreements to meet individual needs. Some children from the Oregon State School for the Deaf have taken courses at Chemeketa Community College by special arrangement.

121a.227(b) Alternative placements for handicapped children receiving direct service from the Oregon Department of Education are: day students only, resident students. regular public school program, part-time in a regular school program and part-time at the state school, placement in a regional program, or placement in a private shcool. All these placement alternatives are considered and parents are counseled before placement is made. The number served in each type of placement at the end of the 1977-78 school year were:

OSSB
- 8 day students
- 47 resident students

OSSD
- 6 part-time public school and part-time state school
- 72 day students
- 173 resident students

121a.231 Services to handicapped children at the state schools are at least comparable to those provided other handicapped children. State general funds and funds provided under PL 89-313 are used comparably for all handicapped children served by the Oregon Department of Education. Financial records and educational records on each child are maintained to show that the comparability requirement is being met.

121a.235 Each of the two state schools is providing an individualized education program for each child and no child is provided special education services without an IEP. These IEPs will be in place at the beginning of each school year and will be reviewed and, if necessary, revised at least annually. Participants in the meeting to develop IEPs, including parent participants, are as required by PL 94-142 and the contents of each IEP meet the requirements of the Federal Regulations, Part 121a.

XVII. DESCRIPTION OF THE USE OF PART B FUNDS

A. STATE ADMINISTRATIVE PERSONNEL

Personnel to be paid with Part B funds in 1978-79 include:

Personnel	% of FTE	Duties
Dale Skewis	1.0	Coordinator for the statewide program.
Terry Kramer	1.0	Biannual handicapped child census and administers the preschool incentive grant program.
Marian Robison	1.0	Fiscal audit and funds control.
Mary Ann Evan	1.0	Specialist to administer the state plan for personnel development.
Katherine Gerin	.25	PL 94-142 specialist for project review, consultation, and inservice.
Cathy Jensen	1.0	Project control and secretarial duties.

B. ADMINISTRATIVE ACTIVITY

The following administrative activities are to be carried out in FY 1979 with Part B funds:

1. Conduct the biannual handicapped child census to determine the number of handicapped children receiving special education and related services and the number not beig served.

2. Determine allocations of Part B funds to flow through to LEAs and disseminate this information.

3. Review and approve project applications received from LEAs.

4. Administer the preschool incentive grant program.

5. Provide and direct the state's personnel preparation program for individuals involved with the education of handicapped children.

6. Account for and control Part B funds within the requirements of federal law.

7. Monitor executive Part B funds within the requirements of federal law.

8. Conduct inservice for hearings officer activity.

9. Develop a list of persons to serve as surrogate parents.

10. Consult with local school district personnel on a continuous basis regarding programs, budgeting, and requirements of state and federal laws.

11. Develop and disseminate a handbook for the administration of special education programs.

12. Develop the state's plan for full service to all handicapped children.

13. Review and approve private schools providing special education to handicapped children.

14. Monitor special education activities to assure compliance with PL 94-142 and the Part B regulations.

15. Evaluate programs and projects conducted with use of Part B funds.

16. Contract for a statewide handicapped childfind.

17. Develop Oregon Administrative Rules to make state and federal laws compatible.

18. Work with the legislature, organizations, councils, and advocacy groups toward mutual understanding.

19. Make such reports as may be required by the U.S Commissioner of Education.

20. Work with the U.S. Bureau of Education for the Handicapped in the state's administrative review.

C. SUPPORT SERVICE

The state will provide special support project funds to eleven agencies serving high concentrations of severely handicapped children, or low incidence of handicapped that can best be served on a regional basis, or special service in a critical area of need. These special support projects are to be funded from the state's 25 percent share of Part B funds. The specific programs, services, activities, and the federal, state and local dollars supporting these projects are presented on the following page.

Programs, Services and Activities for Special Support Projects

	Specific Programs	Services	Activities
1.	Three regional programs for the blind and visually handicapped in Jackson, Baker and Coos Counties	Itinerant services for children and teachers, instructional aids and materials	• Direct special instruction • Consultant assistance for regular classroom teachers • Instructional media service
2.	Two regional programs for the deaf and hard of hearing in Malheur and Marion Counties	Itinerant service by a specialist and hearing aid materials	• Direct special instruction • Consultants for regular class teachers • Hearing and other aids
3.	Two programs for autistic children in Portland and Roseburg	Highly structured programmed instruction	• One-on-one intensified instruction with specialized materials and techniques
4.	A program for severely neurologically impaired and seizure disorders at Good Samaritan Hospital	Diagnosis, evaluation and direct instructional service	• Educational direct instruction • Parent training • Medical support
5.	A program for severely and profoundly handicapped at Providence Children's Nursing Center	Assessment and individual plan for a service module	• Coordinated efforts of medical, education, speech and physical therapy to provide a full-service program for severely handicapped child
6.	A program to provide communication between LEAs and the Crippled Children's Division following evaluations	Educational diagnostic service, help develop appropriate IEPs, parent consultation	• Equipment and materials • Parent participation • Diagnostic clinic • Develop and implement remedial strategy • Liaison service for up to 550 children
7.	A program of satellite diagnostic centers and IEP development	Multidisciplinary evaluation, IEP development, personnel training	• Training of personnel for diagnostic centers • A management system • Demonstrations • Evaluation services for remote areas

Resources for Special Support Projects

Specific Program Number	Federal Funds	State Funds (est.)	Local Funds (est.)	Total Funds
1	$225,885	$ 45,000	$ 50,000	$ 320,885
2	53,000	22,000	35,000	110,000
3	120,400	65,000	65,000	250,400
4	37,500	8,000	22,000	67,500
5	70,800	33,000	20,000	123,800
6	58,107	20,000	18,000	96,107
7	106,665	35,000	60,000	201,665
TOTAL	$672,357	$228,000	$270,000	$1,170,357

D. LEA PARTICIPATION

Three hundred three of Oregon's 312 local school districts will receive an allocation of PL 94-142 funds in FY 1979 to help provide special education for handicapped children. It is estimated that 198 local school districts will develop 25 consortium applications with an average of eight LEAs participating in each. About 95 LEAs will have allocations large enough to apply for funds individually. It is also estimated that perhaps 10 of the smaller LEAs will not apply for the funds allocated to them.

E. DIRECT SERVICES BY THE OREGON DEPARTMENT OF EDUCATION

It is not anticipated that it will be necessary for the Oregon Department of Education to provide any direct service to handicapped children with Part B funds. The Department has not found any local school district that cannot or will not provide for the special education needs of handicapped children within its jurisdiction.

F. EXPENDITURE OF PART B FUNDS IN THREE SPECIFIC AREAS IDENTIFIED IN THE REGULATIONS

1. Child Identification:

The state will spend approximately $30,000 of Part B funds in support of the biannual handicapped child census which is used for child identification. The state plans to expend another $73,000 for a statewide awareness campaign and childfind activity to identify additional handicapped children who are in need of special education and related service.

2. Priorities:

The expenditure of Part B funds for first and second priority children can only be estimated. During 1977-78 only 2 percent of the Part B funds were expended on first priority children who were considered not to be receiving any education. Unless the state's planned childfind activity produces a high number of handicapped children who have not previously been found, the number of first priority children will remain about the same. The balance of Part B funds will be expended on second priority children. Oregon's estimated expenditure of Part B funds for priorities in 1978-79 is: first priority, $73,904; second priority, $3,891,297.

3. Inservice Training:

Oregon's comprehensive plan for personnel development and projected activity is outlined in Chapter X of this FY 1979 plan. It is estimated that $100,000 of Part B funds will be expended in implementing this plan.

G. PROJECTED ACTIVITIES OF THE FY 1979 STATE ADVISORY COUNCIL FOR HANDICAPPED CHILDREN

The State Advisory Council for Handicapped Children was organized June 10, 1977 and met nine times during the 1977-78 fiscal year. The 16 members of the council are composed of parents of handicapped children, educators of handicapped children, state and local education officials, administrators of programs for handicapped children, persons interested in education of handicapped children, and one handicapped individual. Projected activities of the council for FY 1979 include:

1. Advise the State Superintendent of Public Instruction and the State Board of Education of unmet needs within the state for the education of handicapped children. A particular objective in this regard is to develop a mechanism for determining unmet needs of handicapped children.

2. Comment publicly on this FY 1979 Annual Program Plan Amendment and Oregon Administrative Rules developed for the implementation of Oregon law and PL 94-142. During 1978-79 the council reviewed and commented on 61 Oregon Administrative Rules.

3. Advise on the distribution of PL 94-142 funds.

4. Review and comment on the budgets proposed by the Special Education and Special Schools Division of the Oregon Department of Education.

5. Review and comment on proposed special education legislation during the 1979 regular legislative session.

6. Review and comment on all decisions resulting from due process hearings held throughout the state.

7. Assist the Oregon Department of Education in developing criteria for surrogate parent selection and assist in the development of a list of surrogate parents who may be available for service.

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GUARD PUBLISHING COMPANY

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EUGENE, OREGON 97440

Legal Notice 3797

DUPLICATE AFFIDAVIT

Legal Notice Advertising

- State of Oregon
  Department of Education
- Attn: Dale Skewis
  942 Lancaster Drive NE
- Salem, OR 97310

- ☐ Tearsheet Notice
- ☐ Duplicate Affidavit

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,)
COUNTY OF LANE,) ss.

I, Marcia Leavitt

being first duly sworn, depose and say that I am the Advertising Manager, or his principal clerk, of the Eugene Register-Guard, a newspaper of general circulation as defined in ORS 193.010 and 193.020; published at Eugene in the aforesaid county and state: that the

PUBLIC NOTICE ;

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for two successive and consecutive weeks in the following issues:

September 1, and 2, 1978

Marcia Leavitt

Subcribed and sworn to before me this October 13, 1978

Helen C. Crawford
Notary Public for Oregon

My Commission Expires: [illegible]

AFFIDAVIT 3797

PUBLIC NOTICE

A draft of the 1978-79 state plan for special education in Oregon under Public Law 94-142 is available for public review and comment at any County Education Service District office or the State Department of Education. A public hearing on the plan will be held from 3-5 p.m. and from 7-9 p.m. on September [illegible], 1978 in Room 109, State Department of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310. Written comments should be directed to Dale Skewis at the Department of Education address.

No. 3797—Sept. 2, 1978

89

PUBLIC NOTICE

A draft of the 1978-79 state plan for special education in Oregon under Public Law 94-142 is available for public review and comment at any County Education Service District office or the State Department of Education. A public hearing on the plan will be held from 3-5pm and from 7-9pm on September 11, 1978 in Room 108, State Department of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310. Written comments should be directed to Dale Skewis at the Department of Education address.

Affidavit of Publication

STATE OF OREGON,
County of Marion, } ss.

I, Lela McAllister, being first duly sworn, depose and say that I am the principal clerk of The Oregon Statesman ☒ of The Capital Journal ☐, a newspaper of general circulation as of The Statesman Journal ☒ defined by sections 193.010 to 193.110, Oregon Revised Statutes; printed and published at Salem in the aforesaid county and state; that the, Notice, Public Law 94-142

.....a printed copy of which is hereby annexed, was published in the entire issue of said newspaper for two successsive and consecutive times in the following issues: OS/Sept. 1, 1978

SJ/Sept. 2, 1978

Lela McAllister

Subscribed and sworn to me this 5

day of Sept. 19 78

Notary Public for Oregon

My commission expires .....

5M/AC150R-1177/H

PUBLIC NOTICE

A draft of the 1978-79 state plan for special education in Oregon under Public Law 94-142 is available for public review at the State Department of Education. A public hearing on the plan will be held from 3-5pm and from 7-9pm on September 11, 1978 in Room 109, State Department of Education, 942 Lancaster Drive N. E., Salem, Oregon 97310. Written comments should be directed to Dale Skewis at the Department of Education address.

In the _____ *Court of the State of Oregon*

for the County of Multnomah

_____

_____ Plaintiff

vs.

_____

_____ Defendent

Affidavit of Publication

STATE OF OREGON

County of Multnomah } ss

I, JM MCINTEER being first duly sworn depose and say that I am the Principal Clerk Of The Publisher of The Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published in the City of Portland, in Multnomah County, Oregon, that the advertisement, a printed copy of which is hereto annexed, was published without interruption in the entire and regular issues of The Oregonian for TWO ISSUE successive and consecutive _____ on the following dates _____

09/01-09/02 1978

JMMcInteer

Principal Clerk Of The Publisher

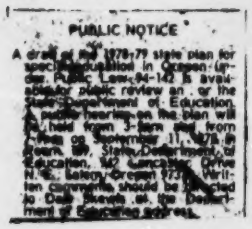
Subscribed and sworn to before me this 12th day of Sept 19 78

Notary Public for Oregon

My Commission Expires July 8, 1979

F-1703

My Commission expires _____



PUBLIC NOTICE

A draft of the 1978-79 state plan for special education in Oregon under Public Law 94-142 is available for public review and comment. The State Department of Education will hold a public hearing on the plan from 1-4 p.m. on September 11, 1978 in room 124, State Department of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310. Written comments should be directed to Dale Shields at the Department of Education address.

In the _____ *Court of the State of Oregon*

for the County of Multnomah

_____

_____ Plaintiff

vs.

_____

_____ Defendent

Affidavit of Publication

STATE OF OREGON }
County of Multnomah } ss

I, JM MCINTEER being first duly sworn depose and say that I am the Principal Clerk Of The Publisher of The Oregon Journal, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published in the City of Portland, in Multnomah County, Oregon, that the advertisement, a printed copy of which is hereto annexed, was published without interruption in the entire and regular issues of The Oregon Journal for TWO successive and consecutive ISSUE on the following dates:

09/01-09/02 1978

JM McInteer
Principal Clerk Of The Publisher

Subscribed and sworn to before me this 5th day of Sept 19 78

Notary Public for Oregon

F-1703

My Commission expires: My Commission Expires July 8, 1979

Affidavit of Publication

State of Oregon,
County of Jackson } ss.

I, Lynn Smith, being first duly sworn, depose and say that I am the (OWNER, EDITOR, PUBLISHER, MANAGER.) Principal Clerk (ADVERTISING MANAGER, PRINCIPAL CLERK, PRINTER OR PRINTER'S FOREMAN) of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193,010 and 193,020; printed and published at Medford in the aforesaid county and state: that the Public Notice, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 successive and consecutive issues in the following issues Sept. 1, 3, 1978 (HERE SET FORTH DATES OF ISSUES IN WHICH THE SAME WAS PUBLISHED)

Subscribed and sworn to before me this 5th day of Sept., 1978

James J Osborn
NOTARY PUBLIC FOR OREGON

My Commission expires 21st day of May, 1981

PUBLIC NOTICE

A draft of the 1978-79 state plan for special education in Oregon under Public Law 94-142 is available for public review and comment at any County Education Service District office or the State Department of Education. A public hearing on the plan will be held from 3-5pm and from 7-9pm on September 11, 1978 in Room 109, State Department of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310. Written comments should be directed to Dale Skewis at the Department of Education address.

PUBLIC NOTICE

A draft of the 1978-79 state plan for special education in Oregon under Public Law 94-142 is available for public review and comment at any County Education Service District office or the State Department of Education. A public hearing on the plan will be held from 3-5 p.m. and from 7-9 p.m. on September 11, 1978 in Room 109, State Department of Education, 942 Lancaster Drive N. E., Salem, Oregon 97310. Written comments should be directed to Dale Skewis at the Department of Education address.

232,233c

Affidavit of Publication

STATE OF OREGON, COUNTY OF DESCHUTES, — ss.

I, Sharon Hansen, being first duly sworn, depose and say that I am the ~~General Manager, Advertising Manager~~, Principal Clerk of the Publisher, of The Bulletin, a newspaper of general circulation printed and published at Bend in the aforesaid county and state as defined by ORS 193.010 and ORS 193.020, that Public Notice- Draft of the 1978-79 State Plan

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for two successive and consecutive weeks in the following issues: September 1 and 2, 1978

Subscribed and sworn to before me this 2nd day of September, 19 78.

Notary Public for Oregon

(My Commission Expires May 12, 1981)

104

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

_____

Equity
Law } No. _____

STATE OF OREGON,
County of Umatilla } ss.

I, Connie Ford _____ being first duly sworn, depose and say that I am the principal clerk of the publisher of the East Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Pendleton in the aforesaid county and state; that the EO-044 Public Notice _____

_____

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 successive and consecutive insertions in the following issues:

Sept. 1,2, _____ 1978

Connie Ford

Subscribed and sworn to before me this 5th day of September, 1978

_____
Notary Public of Oregon

MY COMMISSION EXPIRES SEPT. 6, 1980

EO-044
PUBLIC NOTICE
A draft of the 1978 79 state plan for special education in Oregon under Public Law 94 142 is available for public review and comment at any County Education Service District office or the State Department of Education. A public hearing on the plan will be held from 3 5 p.m. and from 7 9 p.m. on September 11, 1978 in Room 109, State Department of Education, 942 Lancaster Drive N E., Salem, Oregon 97310. Written comments should be directed to Dale Skewis at the Department of Education address.
September 1, 2, 1978

SUMMARY OF PUBLIC COMMENT AND ACTION TAKEN

Comment: It was stated that an overwhelming number of 550 school age children at Fairview are educated on-site without full consideration being given to less restrictive settings in the community.

Response: The fiscal year 1979 plan promulgates the state policy on least restrictive environment. That policy is: "To the maximum extent appropriate handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped." The comment points to an administrative problem rather than a weakness in the state plan. Therefore, no change in the plan has been made.

Comment: The belief was expressed that the state may be in noncompliance with federal and state laws if all handicapped children in the state do not receive full educational services by September 1, 1978.

Response: Again, this is an administrative problem that must be dealt with rather than a need to alter or change the plan. The fiscal year 1979 plan provides the full service goal timeline as September 1, 1978 for all handicapped children aged 6 to 20 inclusive. No change has been made in the state plan regarding this goal.

Comment: Kindergarten age rather than the six-year age should be the starting time for working with handicapped children. The commenter would like to see the required age for service commence at age five rather than being optional at that age.

Response: The plan does establish a state goal of full educational opportunity for all handicapped children birth through age 21. The requirement for service to a given age group must, however, be within current state law. No change in the annual program plan for required service to all five-year olds has been made. It should be noted that full service to five-year olds is required in those school districts that operate established kindergarten programs.

Comment: Prior to formal hearing, the Oregon Department of Education should encourage informal mediation between parents and school personnel for agreement on an appropriate IEP.

Response: The Oregon Department of Education agrees with the comment and does counsel mediation and consultation. In conformance with the comment, the Department has Oregon Administrative Rule 581-15-091 which states: "Informal Disposition: Nothing contained herein shall be construed to preclude any system of consultations or conferences with parents that is used by school districts with regard to identification, evaluation or educational placement of a handicapped child. Such conferences or consultations, however, shall not be held in lieu of a hearing requested under OAR 581-15-081 if one is requested, but a request for a hearing shall not preclude informal disposition of the matter by stipulation, agreed settlement or consent order."

Comment: The least restrictive environment should not necessarily mean mainstreaming because some handicapped children need special classes and special teachers.

Response: The state plan is in agreement with the comment. The IEP and placement committees are charged with the responsibility of placing handicapped children in the most appropriate program.

Comment: On page 10, paragraph 1, delete the second sentence, which reads, "The State has a goal of providing full educational opportunity to all handicapped children from birth through age twenty-one." A second related comment asked for the deletion of the "1988" in Table 1 for service for aged 3-5 and the "1990" for service to aged 0-2. The sentence is inconsistent with the remainder of the Full Educational Opportunity Goal section, as well as the preceding Right to Education Policy Statement, which accurately states Oregon's policy for children below age 6 and above 20. The statement commits Oregon to serve all nonschool aged children, a policy which has not been adopted by the Governor and the legislature. The Federal law and rule 121a.122(c) and (d) allows a state an exception to these age requirements if they are inconsistent with state law or practice.

Response: The Federal Register of August 23, 1978 requires each state to establish a goal of providing full educational opportunity to all handicapped children aged birth through twenty-one; reference 121a.123. The exception allowed in 121a.122 does not refer to the requried goal but rather to the timelines of a free appropriate public education for ages through through eighteen by September 1, 1978 and years three through twenty-one by September 1, 1980.

Comment: The State Board of Education should revise its Administrative Rule 581-15-089 (Final Order). The issue is whether the local school district board should have the authority to issue the final order, which may result in overturning the impartial hearings officer's order in cases where parents challenge a child's placement. The present rule requiring automatic review by the State Superintendent of Public Instruction of any school board decision that overturned the hearings officer's order should be temporary.

Response: The Oregon Department of Education is working with legislative counsel to amend ORS 343.077 to conform withthe federal law and regulations. When the legislature amends the state law the Oregon Department of Education will be able to amend its Administrative Rule 581-15-089.

ADMISSION OF PUPILS; TUITION AND FEES

339.105 Admission of pupils; waiver. (1) Except as provided in ORS 336.165 authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district all persons between the ages of 6 and 21 residing therein. However, a district school board may admit other nonresident persons, determine who is not a resident of the district and may fix rates of tuition for nonresidents.

(2) A child entering school for the first time during the fall term shall be considered to be six years of age if his sixth birthday occurs on or before November 15. A child entering school for the first time in a midwinter term, if the school has a beginning first-year class in midwinter, shall be considered to be six years of age if his sixth birthday occurs on or before March 15. However, nothing in this section prevents a district school board from admitting free of charge a child who is an educationally able and gifted child, as defined in ORS 343.395, entering school for the first time who has not attained the sixth birthday but who is a resident of the district.

(3) District school boards may provide, by rule, that a resident child eligible to enter a beginning first-year class at the opening of the fall term or midwinter term, but who does not enter within the first four weeks of such term shall be ineligible to enter school for the remainder of the school year or until another beginning first-year class is organized during that school year. A district school board may waive the requirements of this subsection for disadvantaged children as defined by ORS 343.650.

[1965 c.100 §285; 1971 c.410 §1; 1977 c.463 §1]

339.120 [Amended by 1957 c.198 §5; repealed by 1965 c.100 §456]

COMPULSORY SCHOOL ATTENDANCE

339.010 School attendance required; age limits. Except as provided in ORS 339.030, all children between the ages of 7 and 18 years who have not completed the 12th grade are required to attend regularly a public full-time school of the school district in which the child resides.

[Amended by 1965 c.100 §274]

339.020 Duty to send children to school. Except as provided in ORS 339.030, every person having control of any child between the ages of 7 and 18 years who has not completed the 12th grade is required to send such child to and maintain such child in regular attendance at a public full-time school during the entire school term.

[Amended by 1965 c.100 §275; 1969 c.160 §1]

339.030 Exemptions from compulsory school attendance. In the following cases, children shall not be required to attend public full-time schools:

(1) Children between the ages of 16 and 18 years who are lawfully employed full time, who are lawfully employed part time and in school part time, who are attending a community college, or are engaged in activities equivalent to the preceding.

(2) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools.

(3) Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools.

(4) Upon determination pursuant to criteria of the State Board of Education that a child is suffering from physical or mental illness or disease of such severity as to make his presence in a school facility or his travel to and from such facility impossible or dangerous to his health or the health of others, the public schools shall provide the child either home, hospital, institutional or other regularly scheduled and suitable instruction meeting standards of the State Board of Education unless such child is receiving suitable instruction in a state or regional facility or institution.

(5) Children between the ages of 7 and 10 years whose parents live more than one and one-half miles, and children over 10 years of age whose parents live more than three miles, by the nearest traveled road, from some public school and for whom the school district does not provide transportation over the distances specified in this subsection.

(6) Children being taught for a period equivalent to that required of children attending public schools by a parent or private teacher the courses of study usually taught in grades 1 through 12 in the public school.

(a) Before the children are taught by a parent or private teacher, the parent or teacher must receive written permission from the executive officer of the resident school district. The permission shall not extend beyond the end of the school year in which permission is granted. If permission is not granted, the person having legal custody of the children may appeal the decision to the school board of the resident district.

(b) Children being taught by a parent or private teacher must be examined in the work covered. Such examinations shall be prepared by the State Board of Education and provided to school districts upon request. If the executive officer of the administrative office determines after examination that the children are not being taught properly, he shall order the person having control of the children to send them to school for the remainder of the school year.

(7) Children excused by the district school board of the district in which the children reside. The district school board has authority to excuse a child from compulsory attendance if the child has completed the first eight grades.

(8) Children excluded from attendance as provided by law.

(9) Children between the ages of 16 and 18 years who have the mutual consent of the school administration and the parent or other individual having custody or legal guardianship over a child.

[Amended by 1965 c.100 §276; 1967 c.67 §8; 1971 c.494 §1; 1973 c.728 §1]

HANDICAPPED CHILDREN

343.211 [1959 c.510 §2 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §395 (343.212 enacted in lieu of 343.211)]

343.212 [1965 c.100 §396 (enacted in lieu of 343.211); 1969 c.291 §1; 1975 c.621 §4; renumbered 343.035]

343.216 [1953 c.444 §§1, 2; repealed by 1955 c.721 §1]

343.218 [1953 c.444 §§3, 4; repealed by 1955 c.721 §1]

343.220 [Repealed by 1953 c.710 §23]

343.221 Special education required. In order to provide special education for handicapped children, the district school board of any school district in which there are children under 21 years of age who require special education:

(1) Shall submit an annual projected activities and cost statement to the Superintendent of Public Instruction for a program of special education for the district's handicapped children. The proposed district program shall include provisions for providing special education and related services and be designed to meet the unique needs of all resident handicapped children.

(2) Shall provide special education for such children consistent with the projected activities and cost statement.

(3) May, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for special education for such children with another school district or an education service district if:

(a) The district school boards jointly agree to provide special education.

(b) The school districts within the education service district approve the contract by a resolution adopted in the manner provided in subsection (2) of ORS 334.175.

(c) Any school district within the education service district contracts with the education service district in the manner provided in subsection (3) of ORS 334.175 for such special education.

(4) May contract with private agencies or organizations approved by the State Board of Education for special education.

(5) May use the clinical services of public agencies which provide diagnostic and evaluation services for children.

[1959 c.510 §4 (343.211 to 343.291 and 345.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1963 c.403 §1; 1965 c.100 §399; 1975 c.621 §6; 1977 c.529 §1]

Equal Employment and Educational Opportunity

Discrimination Prohibited

581-21-045 (1) Definitions:

(a) Discrimination (as used in the rules regarding nondiscrimination) means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on race, national origin, religion, sex, age, handicap, or marital status. (ORS 659.150)

(b) The words District, School District (as used in the rules regarding nondiscrimination) include all public elementary, secondary, unified or union high school districts, intermediate education districts, and county units, and all educational agencies, programs, and services under the jurisdiction of the State Board of Education, except community college programs.

(2) General. No person in Oregon shall be subjected to discrimination in any public elementary or secondary school, educational program or service, or interschool activity where the program, service, school, or activity is financed in whole or part by monies appropriated by the Legislative Assembly.

(3) Specific Prohibitions: In providing programs or services to students, a school district shall not, on a discriminatory basis as defined in Section (1) (a) of this rule:

(a) Treat one person differently from another in determining whether such person satisfies any requirement of condition for the provision of such aid, benefit, or service;

(b) Provide different aid, benefits, or services; or provide aids, benefits, or services in a different manner;

(c) Deny any person such aid, benefit, or service;

(d) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(e) Aid or perpetuate discrimination by joining or remaining a member of any agency or organization which discriminates in providing any aid, benefit, or service to students or employees;

(f) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(4) Exceptions. These rules shall not affect attendance boundaries, limit placement of students in programs of desegretation, nor supersede any specific statutory requirement for any educational program.

Statutory Authority: ORS 659.150; ORS 326.051

Hist: Filed 9-30-76 as 1 EB 252, Eff. 9-30-76

Program Compliance Standards

581-21-046 (1) Access to Course Offerings. A school district shall not provide any course or otherwise carry out any of its educational programs or activities on a discriminatory basis as defined in ORS 659.150 or require or refuse participation therein by any of its students on such basis.

(a) This section does not prohibit grouping of students in any educational program or activity by ability as assessed by objective standards of individual performance.

(b) Where use of an objective standard of measuring skill or progress in an educational program has a disciminatory effect on persons as defined in OAR 21-045, the district shall use appropriate standards which do not have such effect.

(c) This section does not prohibit separating students by sex within physical education classes or activities during participating in wrestling, boxing, Rugby, ice hockey, football, basketball, soccer, and other sports the purpose or major activity of which involves bodily contact.

(2) Employment Assistance. A district which actively assists any agency, organization, or person in making employment available to any of its students shall assure itself that such employment is made available without discrimination.

(3) Marital Status. A district shall not discriminate against any student or exclude any student from its educational program or activity including any class or extracurricular activity on the basis of the student's marital status unless the student requests voluntarily to participate in a separate portion of the program or activity of the district.

(4) Athletics. A district which operates or sponsors interscholastic club or intramural athletics shall provide equal athletic opportunity for members of both sexes, all age and ethnic groups, and persons with handicaps. In determining whether equal opportunities are available, the Superintendent of Public Instruction shall consider among other factors whether the selection of sports and levels of competition effectively accommmodate the interests and abilities of all students.

(5) Students Unable to Attend Because of Religious Beliefs. Any student who because of his or her religious beliefs is unable to attend classes on a particular day shall be excused from attendance requirements and from any examination or other assignment on that day. The student shall make up the examination or other assignment missed because of such absence.

(6) Textbooks and Curriculum Material. Nothing in this rule shall be interpreted as requiring or prohibiting or abridging in any way the use of adopted textbook or curriculum material. However, where materials are found upon investigation to provide discriminatory impact on the basis of race, national origin, religion, sex, age, handicap, or marital status, there should be established resources for employees and students of the district for supplemental alternative nondiscriminatory material.

(7) Use of Appraisal and Counseling Materials. A district which uses testing or other materials for appraising or counseling students shall not use materials which discriminate on the basis of race, national origin, religion, sex, age, handicap, or marital status, or use materials which permit or require different treatment of students on such basis unless such differences cover the same occupation and interest areas and the use of such different material is shown to be essential to the elimination of discrimination. Districts shall develop and use internal procedures for insuring that such materials may not discriminate.

(8) Bilingual or Linguistically Different Students. Districts shall develop and implement a plan for identifying students whose primary language is other than English and shall provide such students with appropriate programs until they are able to use the English language in a manner that allows effective and relevant participation in regular classroom instruction and other educational activities.

(9) Equal Educational Opportunity Plans. Districts shall develop and implement a plan which assures that all students have equal opportunity to participate in the educational programs and activities and equal access to facilities in the district. Said plan shall include courses and/or components which provide students with an understanding of the pluralistic realisites of their society, including multi-cultural/racial/ethnic education and equity in portraying all classes protected under ORS 659.150. Upon the request of the Superintendent of Public Instruction districts shall submit copies of such plans and other assurances as are deemed necessary and proper.

(10) Interpretation of Rules. The Superintendent of Public Instruction may issue written interpretations concerning rules for nondiscrimination upon the written request of parties to a complaint at the district level.

Statutory Authority: ORS 659.150, 326.310(3)

Hist: Filed 9-17-76 as 1 EB 252, Eff. 9-30-76

ADDITIONAL PROGRAMS

336.090 [Repealed by 1965 c.100 §456]

336.092 Definitions for ORS 336.092 and 336.095. As used in ORS 336.092 and 336.095, unless the context requires otherwise:

(1) "Kindergarten child" means a child in the year immediately prior to his enrollment in the first grade.

(2) "Kindergarten facilities" includes physical facilities, supplies, equipment and personnel suitable for the education and training of children in the year immediately prior to their enrollment in the first grade.

(3) "Physical facilities" includes but is not limited to public school buildings, rented buildings which meet health and safety standards or homes used in school district sponsored programs.

[1973 c.707 §2]

336.095 Establishment, funding and status of kindergartens. (1) The district school board of any common school district may provide kindergarten facilities free of charge for the kindergarten children residing in the district by operating such facilities either singly or jointly with other districts.

(2) Kindergartens established under subsection (1) of this section shall be funded in the same manner as other schools of the district are funded.

(3) Kindergartens are part of the public school system of this state.

[1973 c.707 §3]

Effective Dates of Individualized Education Program

581-15-064 (1) On October 1, 1977, and at the beginning of each school year thereafter, school districts shall have an individualized education program for each handicapped child who is receiving special education from the district.

(2) An individualized education program must:

(a) Be written before special education is provided to a child and

(b) Be implemented as soon as possible following the meetings held under OAR 581-15-065.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Meetings to Develop Individualized Education Program

581-15-065 (1) School districts shall initiate and conduct meetings for the purpose of developing, reviewing and revising a handicapped child's individualized education program:

(a) For children whom the agency has already determined will receive special education during the 1977-78 school year, early enough to insure that an individualized educational program is developed by October 1, 1977, and

(b) For all other handicapped children, within 30 calendar days of a determination that the child needs special education.

(2) School districts shall initiate and conduct meetings to review and revise as appropriate each child's individualized educational program at least once a year.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Participants in Meetings

581-15-066 School districts shall insure that each meeting includes the following participants:

(1) The child's teacher (the teacher of child receiving special education is the child's special education teacher or speech-language pathologist, the teacher of a child being considered for placement in special education is the child's regular teacher or a teacher qualified in the program in which the child may be placed and the teacher of a child not in school or who has more than one teacher is a teacher designated by the school district);

(2) A representative of the school district, other than the child's teacher, who is qualified to provide, or supervise the provision of, special education;

(3) One or both of the child's parents except as provided in OAR 581-15-067;

(4) The child where appropriate;

(5) For a handicapped child who has been evaluated for the first time, a member of the evaluation team or some other person who is knowledgeable about the evaluation procedures used and familiar with the results of the evaluation procedures used; and

(6) Other individuals at the discretion of a parent or the school district.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Parental Participation

581-15-067 (1) School districts shall take steps to insure that one or both parents are at the meeting provided by OAR 581-15-066 or have an opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place and providing parents with a written notice of the meeting sufficiently in advance to insure that they will have an opportunity to attend, such notice to state the purpose, time and place of the meeting and who will attend. The school district shall take whatever action is necessary to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(a) If neither parent can attend, the school district shall use other methods to insure parent participation, including, but not limited to, individual or conference phone calls or home visits.

(b) A meeting may be conducted without a parent in attendance if the school district is unable to convince the parents to attend, in which case the school district must have a detailed record of its attempts to arrange a mutually agreed on time and place.

(2) Upon request, the school district shall give the parent a copy of the individualized education program.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Content of Individual Educational Program

581-15-068 The individualized education program shall include:

(1) A statement of the child's present levels of educational performance;

(2) A statement of annual goals, including short-term instructional objectives;

(3) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs;

(4) The projected dates for initiation of services and the anticipated duration of services; and the anticipated duration of services; and

(5) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Accountability Under Individualized Education Program

581-15-069 School districts shall provide special education and related services to a handicapped child in accordance with an individualized education program. No school district, teacher or other person shall, however, be held accountable if a child does not achieve the growth projected in the annual goals and objectives.

Statutory Authority: ORS 343.055

Hist: Filed 12-22-77 as 1 EB 269, Eff. 12-22-77

Special Education and Special Schools Division
Oregon Department of Education
942 Lancaster Drive NE
Salem, Oregon 97310

SUBSTANTIATING ELIGIBILITY FOR SURROGATE PARENT

To be filled out by school district or agency directly responsible for education of the child

1. Child's Name _____ Sex ____ Age ____ Grade _____

2. Where does the child reside? _____

3. Who is the child's legal guardian? _____

4. Who has legal custody of the child? _____

5. On what basis has it been determined that this child is handicapped (OAR 581-15-051) or believed to be handicapped? (Substantiating information must be supplied.)

Complete one of three appropriate eligibility justifications:

A. If the *child's parents are unknown*, what steps have been taken to identify the parents?

B. If the *child's parents are unavailable*, what efforts have been made to locate the whereabouts of the parents?

C. If the *child is a ward of the state*: (a) Which court in the state has granted wardship? (b) Does the court action make the child a ward of the state? (c) Who in the state assumes guardianship?

The above information will provide the basis for determining whether or not the child needs a surrogate parent and, if needed, the Oregon Department of Education will proceed with the appointment procedure. In either case (if the surrogate is needed or not needed), the Department will inform the person making the request by letter as to the decision.

105 _____
Signature of person supplying eligibility information

Form 581-5252 (10/78)

113 _____
Mailing address

Special Education and Special Schools Division
Oregon Department of Education
942 Lancaster Drive NE
Salem, Oregon 97310

(FORM 2)

QUALIFICATIONS FOR APPOINTMENT FOR SURROGATE PARENT

To be filled out by applicant or nominee for surrogate parent

1. Name of person filling in qualifications: _____

2. Address of above person _____ City _____ Zip _____

3. Name of child for which applicant or nominee is being considered as surrogate parent.

   _____

4. Are you an employee of the Department of Education? yes ____ no ____

5. Are you an employee of a public agency involved in the education or care of this child? yes ____ no ____

6. Are you aware of any conflict of interests that could affect you serving as a surrogate parent for this child? yes ____ no ____ (If yes, indicate what the conflicts are.)

7. What are your experiences with Oregon schools?

   Are you or have you ever been a teacher? _____
   Are you familiar with Oregon's educational system? _____
   Are you familiar with Public Law 94-142? _____
   Are you willing to take a 2 to 4 hour training session to better prepare you to serve as a surrogate parent? yes ____ no ____

8. Have you any prior history of behavior that might be detrimental to the health, safety or welfare of this child if you were appointed his/her surrogate? yes ____ no ____ If yes, please indicate:

9. What educational unit is asking you to serve as a surrogate? (Name the school district, state residential school, hospital or other educational unit.)

   For what length of time are you willing to serve as a surrogate, if appointed? Indefinite period: ____ Definite period: From _____ to _____
   month/day/year month/day/year

To the best of my knowledge the above information is correct.

_____
Signature

_____
Date

Form 581-5253 (10/78)

(FORM 3)

LETTER OF APPOINTMENT OF SURROGATE PARENT

(Date) _____

(Address of Surrogate Parent)

Dear _____

The Department of Education is pleased to inform you that you are hereby appointed surrogate parent for _____ for the period of _____.
(name of child)

The child for whom you have been appointed as surrogate parent attends the _____ in
(name of school)

_____
(name of district or public agency)

Please contact _____ for further information on the child's handicap and educational status. If you are not acquainted with this person, please introduce yourself. A copy of this letter has been sent to the above person.
(name of person in district or agency)

Duties of surrogate parent:

1. Represent the interests and safeguard the rights of the child in educational decisions affecting the child.
2. Be acquainted with the child's handicap and the child's educational needs.
3. Represent the child in all matters relating to the identification, evaluation and educational placement of the child.
4. Represent the child in all matters relating to the provision of a free appropriate public education to the child.

Limits of the surrogate parent's responsibilities:

1. The surrogate parent has no authority over care and maintenance of the child, custody of the child, foster home placement of the child, or any other area not specifically related to the education of the child.
2. The surrogate parent has no responsibility for identification or evaluation of the child that does not relate specifically to special education.
3. Contact with the handicapped child by the surrogate parent at school or in a residential agency has some limitations. Reasonable precautions must be taken by the school or public agency responsible for the welfare of children under its custody. Surrogate parents would have the same visitation rights as the parents for carrying out responsibility relating to the provision of special educational services for the child.

Please read the enclosed copy of the surrogate parent's guidelines prepared by the Department of Education.

_____
State Superintendent of Public Instruction

_____
Date

cc: Agency or school district making request for surrogate parent: _____

Form 581-5254 (10/78)

APPENDIX F

STATE INITIATED INSERVICE FOR 1978-79

Chart I: Content Areas

	A	B	C	D	E	F	G	H	I	J	K	L
Diagnostic Procedures							X					X
Instructional Procedures	X	X	X		X		X	X			X	X
Implementation of PL 94-142	X	X		X		X	X	X	X			X
Individual Education Programs	X									X		X
Least Restrictive Environments	X				X					X		X
Procedural Safeguards												
Use of Surrogates												
Nondiscriminatory Testing												X
Resources				X								
Inservice Training	X											
Handicapped Children									X		X	

Chart II: Target Groups

	A	B	C	D	E	F	G	H	I	J	K	L
Regular Class Teachers	X	X	X	X	X	X	X			X	X	X
Special Class Teachers	X	X	X			X				X	X	X
Resource Room Teachers	X	X	X		X					X		X
Physical Education Teachers				X				X		X		
Vocational Educators												X
Teacher Aides		X		X	X						X	X
Speech Pathologists	X											X
Diagnosticians												X
Psychologists					X					X	X	
School Social Workers										X	X	
Parents										X	X	
Surrogates												X
Supervisors	X	X	X		X					X		X
Hearings Officers												X
Administrators		X	X	X	X	X	X		X		X	X
Other Noninstructional Staff	X			X	X				X		X	X

Key

A = Inservice Cadre for Classroom Teachers
B = Coos Education Service District
C = Dissemination Conference
D = Hillsboro School District
E = Jefferson Education Service District
F = Lane Education Service District
G = Oregon College of Education
H = Oregon State University
I = Portland State University
J = University of Oregon
K = Wasco Education Service District
L = Oregon Department of Education

Chart III: Nature of Training

	A	B	C	D	E	F	G	H	I	J	K	L
Graduate Courses							X		X			
Workshops	X	X	X	X	X			X		X	X	X
Cadre Training	X									X		
Resource Matching						X						
Videotape				X								
Consultants		X							X	X	X	X
Follow-up	X	X	X		X	X	X		X	X		X

Chart IV: Geographical Scope

	A	B	C	D	E	F	G	H	I	J	K	L
Statewide	X		X	X								X
Northeast										X		
North Central											X	
Northwest										X		
Central					X		X	X	X			
Southeast										X		
South Central										X		
Southwest						X				X		
Local		X										

Chart V: Staff Training Source

	A	B	C	D	E	F	G	H	I	J	K	L
Institution of Higher Ed.	X	X			X		X	X	X	X	X	
Oregon Department of Ed.	X		X									X
Local Education Agency	X	X	X	X	X	X				X	X	
Non-Agency	X		X	X								

Chart VI: Funding Source

	A	B	C	D	E	F	G	H	I	J	K	L
State General Funds							X		X			X
Federal Funds (VI-B)	X	X	X	X	X	X	X	X	X	X	X	X
Federal Funds (VI-D)	X											X
Other Federal Funds		X										X
Local Education Agency Funds	X	X	X	X	X	X	X	X	X	X	X	